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HOUSE JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF COLORADO.

BEGUN AND HELD AT DENVER, SEPTEMBER 9TH, A. D., 1861.

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HOUSE JOURNAL

O THE

FIRST LEGISLATIVE ASSEMBLY

O THE

TERRITORY OF COLORADO.

HOUSE OF REPRESENTATIVES,
September 9, 1861

At the First Regular Session of the First Legislative Assmbly of the Territory of Colorado, the House met pursuant to the proclamation of the Governor and were called to order by Hon Lewis Ledyard Weld, Secretary of the Territory.

The following gentlemen, having answered to their names and presented their certificates of election from his Excellency the Governor and the Hon Secretary of the Territory, were admitted, and took their seats

Charles F Holly, E S Wilhite, Edwin Scudder, Wm A Rankin, J B Chaffee, J H Noteware, Daniel Witter, Geo F Crocker.

The oath of office was then administered to the members, by his Honor Chief Justice Hall

On motion of Mr Rankin, Mr Chaffee was appointed Speaker *pro tem*

On motion of Mr Scudder, E S Wilhite was appointed Chief Clerk, *pro tem*

On motion, the House adjourned until 2 o clock P M.

AFTERNOON SESSION

House met at two o clock P M, pursuant to adjournment.

Mr Chaffee in the chair

Geo M Chilcott appeared, and on presentation of his credentials, the oath of office was administered to him by the Hon. the Secretary of the Territory

Om motion of Mr Crocker, the House adjourned until 10 o'clock to-morrow morning

HOUSE OF REPRESENTATIVES,
September 10, 1861

House met pursuant to adjournment,

Mr Chaffee in the chair

Call of the House had

Holly, Wilhite, Scudder, Rankin, Noteware, Witter, Crocker, Chillcott and Chamm [illegible]

On motion of Mr Crocker, the reporters of the different newspapers, were tendered seats within the Bar, until a permanent organization of the House

Mr Crocker moved that N J, Bond who is contesting the seat of Daniel Witter, the sitting member from the Ninth District, and O A Whittemore, contestant for the seat of C P Hall, the sitting member from the Eighth District, have, and be entitled to, seats within the Bar of this House

Carried

The House then proceeded to ballot for Speaker

Mr Holly moved that the first ballot for Speaker be an informal one

Carried

Informal ballot for Speaker stood as follows

Wm A Rankin received one vote
J H Noteware received three votes
C F Holly received three votes
G M Chillcott received two votes

Whole number of votes cast, nine

Necessary to a choice, five

Whereupon, there being no choice had, the House proceeded to a First formal ballot for Speaker, which stood as follows:

Wm A Rankin received three votes
J H Noteware received three votes
C F Holly received two votes,
G M Chillcott received one vote

Whole number of votes cast, nine.

Necessary to a choice, five

There being no choice had, the House proceeded to a second ballot, which resulted as follows

Wm A Rankin received three votes
J. H Noteware received two votes
C. F Holly received three votes.
J B Chaffee received one vote

Whole number of votes cast—nine.

Necessary to a choice—five.

Whereupon there being no choice had, the House proceeded to a third ballot, as follows

Wm. A Rankin received two votes
J. H. Noteware received two votes
C. F. Holly received four votes

J B Chaffee received one vote

Whole number of votes cast—nine

Necessary to a choice—five.

Whereupon there being no choice had, the House proceeded to a fourth ballot, with the following result:

Wm A Rankin received one vote.

J H Noteware received two votes.

C F Holly received four votes.

Geo F Crocker received two votes

Whole number of votes cast—9

Necessary to a choice—5

Whereupon there being no choice had, the House proceeded to a fifth ballot, which resulted as follows.

Wm A Rankin received one vote

C F Holly received eight votes

Mr. Holly having received a majority of all the votes cast,

Was declared duly elected Speaker of the House.

On motion of Mr Scudder,

A committee of three were appointed to escort the Speaker elect to the chair

Messrs Scudder Noteware and Rankin, were appointed said committee, whereupon the oath of office was administered to the Speaker, by His Honor Chief Justice Hall

On motion to adjourn was lost

The House then proceeded to the election of Chief Clerk.

Nominations being in order,

Messrs Page, Bacon Currier and Swift were placed in nomination.

The House then proceeded to the first ballot, which resulted as follows

Mr Page received three votes

Mr Bacon received three votes.

Mr Currier received two votes

Mr. Swift received one vote

Whole number of votes cast—9

Necessary to a choice—5

Whereupon there being no choice had, the House proceeded to a second ballot, which resulted as follows.

Mr Page received four votes

Mr Bacon received three votes.

Mr. Currier received one vote.

Mr Swift received one vote

Whole number of votes cast—9

Necessary to a choice—5

Whereupon there being no choice had, the House proceeded to a third ballot, with the following result:

Mr. Page received five votes

Mr. Bacon received two votes.

Mr. Currier received one vote.

Mr. Swift received one vote.

Whole number of votes cast—9.
Necessary to a choice—5.
Mr Page having received a majority of all the votes cast,
Was pronounced duly elected.
The House then proceeded to the election of an Assistant Clerk.
Nominations being in order,
Messrs Cozzens, Yates and Jacobs were placed in nominatio
The House then proceeded to ballot with the following result:
Mr Cozzens received four votes.
Mr. Yates received four votes.
Mr. Myrick received one vote
Whole number of votes cast—9.
Necessary to a choice—5
Whereupon, there being no choice had, the House proceeded t a second ballot, with the following results.

Mr Cozzens received five votes
Mr Yates received four votes
Whole number of votes cast—9
Necesaary to a choice—5
Mr Cozzens having received a majority of all the votes cast, w declared duly elected
Nominations being in order, Messrs Woodmancer, Elmer, Butl and Murphy, were placed in nomination.
The House then proceeded to the first ballot, with the followi result:

Mr Woodmancer received four votes.
Mr Elmer received three votes
Mr Butler received one vote
Mr Murphy received one vote
Whole number of votes cast—9
Necessary to a choice—5
Whereupon, there being no choice had, the House proceeded t a scond ballot, with the following results.

Mr Woodmancer received two votes.
Mr Elmer received seven votes.

Mr Elmer having received the majority of all the votes cast, wa declared duly elected.
The House then proceeded to the election of a Foreman
Nominations being in order, Messrs Nelson and Harris wer placed in nomination.
The House then proceeded to ballot, which resulted as follows

Mr Nelson received six votes
Mr Harris received three votes
Whole number of votes cast—9
Necessary to a choice—5

Mr Nelson having received a majority of the votes cast, was d clared duly elected.

The House then proceeded to elect a Messenger.

Nominations being in order, Masters Shaw and Townsend were placed in nomination.

The House then proceeded to ballot, which resulted as follows:

Master Shaw received five votes.
Master Townsend received four votes.
Whole number of votes cast—9.
Necessary to a choice—5.

Master Shaw having received a majority of all the votes cast, was declared duly elected.

The House then proceeded to elect a Chaplain.

Nominations being in order, Messrs Billingsley, Kenny and Shinn were placed in nomination.

The House then proceeded to ballot, with the following result:

Mr Billingsley received five votes.
Mr Kenny received one vote.
Mr Shinn received three votes.

Mr Billingsley having received a majority of the votes cast, was declared duly elected.

The House then proceeded to elect an Engrossing Clerk.

Nominations being in order, Messrs Jacobs, Billings and Wright were placed in nomination.

The House then proceeded to ballot, with the following result:

Mr Jacobs received six votes
Mr Billings received two votes.
Mr Wright received one vote.

Mr Jacobs having received a majority of the votes cast, was declared duly elected.

The House then proceeded to elect an Enrolling Clerk.

Nominations being in order, Messrs Yates, Wright and Price were placed in nomination

The House then proceeded to ballot, with the following result:

Mr Yates received six votes
Mr Wright received one vote.
Mr Price received two votes.

Mr Yates having received the majority of the votes cast, was declared duly elected.

On motion of Mr Crocker,

A committee of three were appointed, to notify the Council that the House had organized, by the election of permanent officers, and is now ready for the transaction of business.

Messrs Crocker, Scudder and Chaffee were appointed such committee.

Mr Rankin moved that a committee of three be appointed, to wait upon the Governor and inform him that the House was ready to receive any communication he might have to make.

Carried.

Speaker appointed Messrs. Rankin, Noteware and Wilhite
On motion of Mr Noteware, the
House adjourned until 2 o'clock P M

AFTERNOON SESSION

2 O'CLOCK P M.

House met pursuant to adjournment.

Speaker in the chair

Prayer by the Chaplain.

Mr Chaffee moved the members of the Executive and Judiciary be invited to take seats within the bar of the House.

Carried.

Mr Scudder moved that the desks be numbered, and each member draw for his seat.

Mr Crocker offered an amendment The motion amended read, that the members retain the seats they now occupy

Accepted.

Mr Crocker moved to appoint a committee of three, to draft and report rules of order for this House.

Carried.

Messrs. Crocker, Rankin and Chaffee were appointed said committee.

The committee appointed to wait upon the Governor, reported his Excellency was prepared to deliver his message, as soon as the Council and House of Representatives were assembled in Joint Convention

Report received, and committee discharged.

The committee appointed to notify the Council that the House had organized, by the election of permanent officers, and was ready for the transaction of business, reported that they had so notified the Council.

On motion, the report was accepted, and committee discharged.

Mr Wilhite moved that all newspaper reporters be invited to occupy seats within the bar.

Carried

Messrs Robbins and Willis, a committee from the Council, appeared and informed the House that the Council had organized, and was ready for the transaction of business.

On motion of Mr Rankin,

A committee of three was appointed to wait upon the Council, and invite the members thereof to take seats within the bar of this House.

Messrs. Rankin, Wilhite and Chaffee were appointed such committee.

The Council now appeared, when the Council and House of Representatives went into Joint Convention.

Hon. E. A. Arnold, President of the Council, in the chair.

On motion of Mr Mather, of the Council,

Resolved, That a committee, of one member of the Council and two of the House, be appointed to wait upon the Governor, and inform him that the Legislative Assembly are in Joint Convention, and ready to hear any communication he may have to make.

Mr Mather, upon the part of the Council, and Messrs Noteware and Rankin, upon the part of the House, were appointed such committee.

On motion of Mr Noteware,

Messrs Brown, Larimer and Hambleton, were invited to seats within the bar.

His excellency, the Governor, here appeared, and delivered the following message:

GOVERNOR'S MESSAGE.

Fellow-citizens of the Legislative Assembly of Colorado Territory:

Accept my congratulations, gentlemen, that the auspicious hour has arrived for the meeting of the Legislative Assembly of the people of Colorado. Accept, also, the expressions of satisfaction with which I welcome you to inaugurate government on the foundation of the will and power of the people

The stern and delicate duty which is confided to you, is to create and condense into system and order the elements of stable government for this commonwealth of the primeval mountains, to become, in the march of our great country, one of the family of the American Union.

It is enjoined upon me by the Organic Act, to submit to your deliberations the condition of our young republic, and recommend to you especially the essential subjects of legislation

I recommend to you the sub-division of our Territorial area into counties, suited to the wants and convenience of the people, with provisions for the more minute sub-divisions of townships, districts, and precincts, for municipal government and police. These subdivisions ought to be as small as the density of population may render possible.

It is in these complete little republics where the sovereign power of the people is always in exercise, where self government has a perpetual vitality, and independent freedom is practised and enjoyed. To harmonize these by judicious general laws, enjoining everywhere energy and uniformity of action, is to found a State upon a basis of solid power and enduring strength, compatible with the generous enjoyment of freedom

It will also be your care to establish a system of social police; laws for the prevention and punishment of crime and immorality; a code of civil laws and procedure, for the pacific adjustment in matters of contract and dispute between citizens, and for the management and protection of estates of deceased persons, and the care of heirs and orphans. To these you will add, tribunals for the executive management of the revenues of taxation, roads, education, charity and ministerial officers for the effective administration of public affairs in its minute details.

Pre-eminent among the principles which give vigor and stability to civilized society, is EDUCATION. The universal dissemination of schools, in which the people of all ages shall receive generous instruction, uniform and thorough in its character, inspires and maintains intelligence of a high standard. Upon a perfect system of colleges and schools for the people alone can we rely for a virtuous exercise of the elective franchise—for the steady discipline of civil society, and for the permanent power of order and religion over anarchy.

I specially commend this subject to your deliberation, satisfied that every page of history demonstrates the universal cultivation of the intellect of the social mass to be the origin, from which flows order, religion, wealth and prosperity

Next in order—the military organization of our people demands your prompt action. The citizen must also be a soldier, and armed. The system of civil society is never safe from revolution, and the shock of sudden conspiracies, unless associated with, and fortified by an equally vigorous discipline of its physical power.

The pressing necessity of military efficiency in discipline and arms, is rendered absolute by the presence of twenty-five thousand resident Indians, intermingled with our people, and on the routes of communication over which all supplies reach our Territory.

I recommend the creation of a territorial organization of the militia, so efficient as to meet the necessities of our present and prospective condition, to maintain an energetic state of preparation—always ready and effective—to enforce order and overbear every enemy.

There is distinctly discernable in the industrial occupations of the people of Colorado, a classification of pursuits, flowing naturally from the influences of climate and the close juxta position of vast mountains and plains; mining exclusively occupies a portion of our people; pastoral agriculture another portion; arable agriculture a third portion. With these are everywhere intermingled those who pursue commerce and manufactures.

In the early infancy of society, the first instincts of the people have developed themselves to obtain the benefits of government, by the effort to create a general provisional government, subsequently, by voluntary associations, locally established and temporarily acquiesced in.

To harmonize this variety of tastes and industrial pursuits, under a genial system of laws, so judiciously guaged as to promote the healthy vitality of each, and blend them into a state of mutual dependence and mutual support, is to attain the triumph of good government. Moderation, instructed and led by wisdom, will extinguish from among the elements of society the evil principles o hostility and envy, and plant in their place the good principles of generous rivalry and concord of energies.

Added to the other fundamental departments of society, is the government of cities, towns and villages, and the erection of public

and private corporations. The immense experience of our country demonstrates the necessity of a discriminating caution, in this vital department of legislation, where the central source of power delegates its own functions in detail. The wise rule of action is to restrict the powers of corporations within the same constitutional barrier which prescribes and limits the powers of the Legislature itself, and restrains all delegated powers and privileges in obedience to the primary sovereignty of the embodied people.

Having enumerated the departments of prominent importance in erecting the frame of Government and distributing the administration of power among the body of society, I recur, with emphasis, to the departments of the *judiciary* and the *militia.*

To a pioneer people, entering upon the great work of establishing an harmonious commonwealth for themselves and their posterity, the vigorous action of these two departments constitutes the bulwark of their liberties, their safety from disorder, and their plain progress to success. Your care will be, to draw from accumulated experience, enactments so luminous, comprehensive and vigorous, as to awaken the response of the people, and command their energetic co-operation.

I transmit to you a copy of the census of the Territory, officially taken, and the returns of the general election held under the Organic Act, which invests you with full powers and authority for constituent legislation, within the restrictions of the Federal Constitution.

The census reveals many valuable, and very novel facts. The comparative proportions of our people devoted to mining within the mountains, to agriculture upon the great rivers, and those residing within the commercial towns, are clearly demonstrated. The aggregate population is 30,000. The predominance in numbers of male citizens over females and children, is a fact so remarkable as to have no recorded precedent in any new society voluntarily planted and perpetuated in the wilderness.

The result of the vote of the whole people, impartially taken and honestly recorded, is a conclusive declaration of their acceptance of the Organic Act, conceded by the Federal Congress, in response to their petitions. It is a sublime expression of their loyalty, satisfaction and devotion to the existing Continental Union. It is a fervent prayer to the Supreme Throne of Grace, for the sanctity, the safety, and the perpetuity of the Constitution and the best of Governments. It is an unqualified pledge to perpetuate the ancient forms inspired by the patriarchal fathers; to secure the independent liberties of the people: and to maintain the enjoyment of civil and religious liberty in practice among men.

I have had the agreeable opportunity to visit the citizens of our Territory at their homes, and to accept of their generous hospitalities. Three years have elapsed, since the first pioneer settlement. The grand energies and activity of the people everywhere manifest, have already created a powerful and well balanced commonwealth. This experience and labor establishes many facts. The existence of the precious and base metals in absolutely inexhaustable abundance and variety; the universal fertility of the soil, as well upon the flanks of the great mountains, as upon the plains and within the

parks; the uniform splendor and salubrity of the climate; the facility of transit and penetration by roads over all varieties of surface; these facts, conclusively established, demonstrate that our country is supremely favored by nature, with all the elements which promise unrivaled rapidity of progress, prosperity and power.

A grand work, to penetrate the middle region of our continent, and to perfect the fraternal bonds of our whole people, sometimes isolated on the shores of different oceans, has long dominated in the heart of every American. An exploration and critical survey, nearly completed, of a line connecting Denver and Salt Lake Cities, by Vasquez Fork and the Middle Park, demonstrates the existence of a route through the Snowy Cordillera, filling all the requirements of economical construction, easy transit, centrality and directness, heretofore desired or demanded by any portion of the American people.

It is through the centre of Colorado Territory, then, that the CONTINENTAL RAILWAY is about to be constructed, which a few years will complete. Our Territory will be bisected, East and West, by the grandest work of all time, constructed to fraternize the domestic relations of our own people, and to draw, to and fro, through the heart of the American Union, the travel and commerce of all the nations, and all the continents of the world. Such is the civic triumph which awaits the intrepid bravery and conquering energies of the pioneers who have developed and possess the great mountains.

As the extraction of gold, with which our great mountains are permeated, forms the primary occupation of our industrial population, and supplies the medium of commerce, I recommend that the condition and wants of our mining region be specially reported to the Federal Congress. To aid in perfecting the processes of economical mining, and indefinitely increase the production of the precious metals and coin, the liberal assistance of the Government and of science ought to be invoked, and it will be given.

I pledge you my cordial and intelligent co-operation in all that your wisdom and patriotism shall attempt.

Our great country demands a period of stern virtue, of holy zeal, of regenerating patriotism, of devoted citizens. It is to you, representatives, and to the people of the young Territory of Colorado, that I speak. To exalt your intrepid enthusiasm, is my aim. With us are the Continental Eagles, and the Continental Cause immortalized by the purity of Washington, illuminated by the wisdom of Jefferson, vindicated and restored by the illustrious Jackson. Let us condense around these Eagles, and advance, devoted to maintain their purity and to exalt their glory.

I commend your hearts to a steadfast faith in the Supreme power of God, fortified by the contemplation of the stupendous forms of nature with which He surrounds us, and from which no element of sublimity is left out. We must seek, in the colossal dimensions and sublime forms of nature with which we are encircled, and upward to the Supreme Throne of Grace, inspirations of wisdom, moderation and energy, to set the foundations of a Commonwealth

which shall beat back the shocks of time, and stand as firm and enduring as the loftiest mountain.

WILLIAM GILPIN.

The Governor having concluded his message,
On motion of Mr Steck, the Joint Convention was dissolved.
The Speaker resumed the chair, and called the House to order.
Mr Chaffee moved to appoint a committee of three to procure five thousand printed copies of the Governor's Message, for the use of the members of the House.
Mr Crocker moved to lay the motion on the table.
Carried.
Mr Wilhite moved to appoint a committee of three to procure five thousand printed copies of the Governor's Message—three thousand copies to be printed in English, one thousand copies to be printed in Spanish, and one thousand copies to be printed in German.
Mr Crocker moved to lay the motion on the table.
Carried.
Mr Chilcott offered the following:

Resolved, That we adopt Jefferson's Manual for our guide, until the committee on rules are ready to report.

On motion, the resolution was adopted.
On motion of Mr Witter, the House adjourned until 9 o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES,
September 11, 1861.

House met at 9 o'clock pursuant to adjournment.
Speaker in the chair.
Prayer by the Chaplain.
Call of the House had.
Absent—Messrs Steel, Hall, Garcia and Barela.
A quorum being present, the Journal of yesterday's session was read, amended and approved.
Mr Crocker, chairman of the committee to draft and report rules for the governance of the House, made the following report:

1. The Speaker shall take the chair, at the time to which the House stands adjourned, and the House shall then be called to order, and the roll of the members called.

2. Upon the appearance of a quorum, the Journal of the preceding day shall be read by the clerk, and any mistake therein may be corrected by the House.

3. The Speaker shall vote on all questions taken by yeas and nays (except on appeals from his own decisions), and in all elections, or divisions called for by any member.

4. Every member previous to speaking, shall rise from his chair, and respectfully address himself to the Speaker.

5. No member shall speak more than twice on the same question, without leave of the House, no more than once, until every member who chooses to speak, shall have spoken—except chairman of committees, upon matters reported by them.

6. No motion shall be debated or put, unless the same be seconded; it shall be stated by the Speaker, before debate, and any such motion shall be reduced to writing, if the Speaker or any member desire it.

7. After a motion shall be stated by the Speaker, it shall be deemed to be in the possession of the House, but may be withdrawn at any time before amended or decision; but all motions, resolutions or amendments, shall be entered on the Journal, whether withdrawn, rejected or adopted.

8. When a question is under debate, no motion shall be received but to adjourn; to lay on the table; for the previous question; to postpone indefinitely; to postpone to a certain day; to correct or to amend; which several motions shall have precedence in the order in which they stand arranged; and a call of the House may be had, upon a demand of three members.

9. A motion to adjourn shall always be in order, except when a member is addressing the chair, or a vote is being taken. That, and the motion to lay on the table, shall be decided without debate.

10. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted, when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the House to a direct vote upon amendments reported by a committee, if any upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

11. All incidental questions of order, arising after a motion is made for the previous question, during the pendency of such motion, or after the House shall have determined that the main question be now put, shall be decided without debate.

12. Every member who shall be present before the vote is declared from the chair, and no other, shall vote for or against the same, unless the House shall excuse him, or he be interested in the question, in which case he shall not vote.

13. When the Speaker is putting the question, no member shall walk out of, or across the house, nor, when a member is speaking, shall any person entertain any private discourse, or pass between him and the chair; and no smoking shall be allowed in the House.

14. If the question in debate contain several points, any member may have the same divided.

15. A member called to order, shall immediately sit down, unless permitted to explain; and the House, if appealed to, shall decide the case; if there be no appeal, the decision of the chair shall be submitted to.

16. Every bill and and resolution shall have prefixed thereto, the name of the person introducing it; and when ordered by a committee, the name of said committee shall be endorsed thereon.

17. Every bill shall receive three several readings, previous to its being passed, and the second and third readings shall be on different days, and the third reading shall be on a day subsequent to that in which it has passed a committee of the whole House, unless the House, by the vote of two-thirds of the members present, shall direct otherwise.

18. No bill shall be committed or amended, unless it has been twice read. On the final passage of all bills, the vote shall be by ayes and nays, and entered on the Journal.

19. In forming a committee of the whole House, the Speaker shall appoint a Chairman, to preside.

20. Bills committed to a committee of the whole House, shall be ready by the Clerk and debated by clauses—leaving the preamble to be last considered. All amendments shall be entered upon a separate piece of paper, and so reported to the House by the Chairman.

21. All questions, whether in committee, or the House, shall be put in the order they are moved, except in the case of privileged questions, and in filling up blanks, the largest sum and the largest time shall be first put.

22. A similar mode of proceeding shall be observed with bills which have originated in the Council, as with bills originating in the House.

23. No motion for reconsideration shall be in order, unless on the same day, or the day following that on which the decision proposed to be considered took place, nor unless one of the majority shall move such reconsideration. A motion for reconsideration, being put and lost (except in case of privileged motions, shall not be renewed.

24. When notice of the intention to move the reconsideration of any bill, or joint resolution, shall be given by a member, the Clerk shall retain the said bill or joint resolution until after the time during which the said motion can be made, unless the same shall previously be disposed of.

25. The rules of the House shall be observed, in committee of the whole House as far as may be applicable, except that the ayes and nays shall not be called, nor the previous question enforced.

26. A motion that the committee rise, shall always be in order, and shall be decided without debate.

27. The following standing committees shall be appointed by the speaker, to consist of three members each:

A committee of Ways and Means.
A committee of Judiciary.
A committee of Elections and Apportionment.
A committee of Federal Relations.
A committee of Printing.

A committee of Counties and County Lines.
A committee of Territorial Affairs.
A committee of Education.
A committee of Agriculture and Manufactures.
A committee of Incorporations.
A committee of Rules and Joint Rules.
A committee of Military Affairs.
A committee of Roads and Bridges.
A committee of Mines and Minerals.
A committee of Engrossment.
A committee of Enrollment.

28. The committee on Engrossment shall examine all bills, after they are engrossed, and report the same to the House correctly engrossed, before their third reading, and said committee may report at any time.

29. Select committees, to whom reference shall be made, shall, in all cases, report a state of facts, and their opinion thereon, to the House.

30. In all cases where a bill, order, resolution or motion, shall be entered on the Journals of the House, the name of the member moving the same shall be entered on the Journals.

31. The Speaker shall cause the clerk to make a list of all bills, resolutions, reports of committees, and other proceedings of this House, which are committed to a committee of the Whole House, and which are not made the order of the day for any particular day, and to number the same; which list shall be called "the general orders of the day," and they shall be taken up in the order in which they are numbered, unless otherwise ordered by a majority of the House; and the clerk shall also keep a book, showing the situation and progress of all bills.

32. Every message from the Council, communicating any bill for the concurrence of the House, shall, after the second reading of the bill, be referred to such select or standing committee as shall be assigned by the House, with the accompanying documents, if any, to consider and report thereon, unless otherwise ordered by the House.

33. On the meeting of the House, the order of the day shall be as follows:

1. Prayer by the chaplain, if present.
2. Reading of the Journal of the previous day.
3. Presentation of petitions.
4. Report of the standing committees.
5. Report of select committees.
6. Messages from the Governor.
7. Amendments proposed by the Council to bills from the House of Representatives.
8. Motions, resolutions and notices.
9. Second reading of bills and resolutions from the Council.
10. Second reading of House bills and resolutions.
11. Third reading of Council bills and resolutions.
12. Third reading of House bills and resolutions.

13. Unfinished business of the preceding day.
14. Special orders of the day.
15. General orders of the day.

34. When the House have arrived at the General Orders of the Day, they shall go into committee of the Whole, upon such orders, or a particular order designated by a vote of this House; and no business shall be in order until the whole are considered or passed, or the committee rise; and unless a particular bill is ordered up, the committee of the Whole shall consider, act upon, or pass the General Orders, according to the order of their reference.

35. The Speaker may leave the chair, and appoint a member to preside, but not for a longer time than one day, except by leave of the House.

36. The rules of parliamentary practice embraced in Jefferson's Manual, shall govern the House in all cases in which they are not inconsistent with the Standing Rules of the House, and the Joint Rules of the Legislative Council and House of Representatives.

37. No rule of the House shall be suspended, altered or amended, without the concurrence of two-thirds of the members present.

38. The regular hour of the daily meeting of the House shall be nine o'clock in the morning, unless some other hour be designated by the House, at the time of adjournment.

39. The Ayes and Nays shall be ordered, when demanded by any member, except upon the final passage of bills, in which case the Ayes and Nays shall be had without any demand.

On motion,

The report was received and committee discharged.

Mr Noteware moved the report be read and adopted by sections.

Whereupon, each section was taken up separately, and adopted.

Mr Noteware moved the following:

Resolved, That a special committee be added to the list of committees reported by the committee on Rules and Regulations.

Rejected.

Mr Wilhite moved a reconsideration of section thirty-three.

Carried.

Mr Wilhite moved to amend section thirty-three by inserting "Prayer by Chaplain."

Mr Crocker moved to remodel the section, so that it will read, "On the meeting of the House, the order of the day shall be as follows:

1. Prayer by the Chaplain, if present.
2. Reading of the Journal of the previous day," &c.,

To which Mr Wilhite agreed.

Carried.

On motion of Mr Witter,

The words "unless some other hour be designated by the House at the time of adjournment," were added to section thirty-eight.

On motion,

The whole, as a report, was adopted as amended.

Mr Crocker moved that two hundred copies be ordered printed for the use of the House.

Mr Noteware moved, as an amendment, that one hundred copies only be ordered printed.

The amendment was accepted by Mr Crocker, and

Carried.

Mr Chaffee moved the following:

Resolved, That the Council and House of Representatives meet in the hall of the House, on Thursday, (to-morrow,) at 2 o'clock P. M., in joint convention, to elect a Public Printer for this Territory.

Mr Rankin moved to lay the resolution on the table.

Whereupon, the ayes and nays were demanded, with the following result:

Ayes—Messrs Rankin, Noteware and Witter—3.

Nays—Messrs Wilhite, Scudder, Chaffee, Crocker, Chilcott and Mr Speaker—6.

So the motion to lay on the table was lost.

The resolution was then read a first and a second time.

Mr Wilhite made the following motion:

Resolved, That this hall shall not be used for any purpose other than the use of the members of the Legislative body of this Territory and any person visiting while the House is in session, except by the consent of the Speaker, or three of the members, if he is absent.

Mr Rankin moved an amendment, to strike out "Speaker, or three of the members," and insert, "By a majority of the members."

Adopted.

Mr. Chaffee moved a suspension of the rules, in order to have a third reading of the resolution calling for a Joint Convention.

Mr Crocker objected to a suspension of rules, except in cases of absolute necessity.

Whereupon the ayes and nays were demanded, which resulted as follows:

Ayes—Messrs Wilhite, Scudder, Chaffee and Mr Speaker—4.

Nays—Messrs Rankin, Noteware, Witter, Crocker and Chillcott—5.

Two-thirds of the members not voting for a suspension of the rules, it was

Lost.

Mr. Rankin made the following motion:

Resolved, That the House order to be printed three thousand copies of the Governor's Message, to-wit: 1,000 to be printed in Spanish and 2,000 in the English language.

Mr Chaffee moved an amendment,

"That 3,000 be printed in English, 1,000 in Spanish and 1,000 in German."

Mr Noteware moved, as an amendment to the amendment, "That 3,000 copies in English, 500 in Spanish and 500 in German be ordered printed."

Mr Wilhite moved to lay the amendment to the amendment on the table.

Lost.

The amendments to the amendment being put before the House, was

Lost.

Ayes and nays being demanded on the amendment, resulted as follows:

Ayes—Messrs Wilhite, Scudder, Chaffee, Crocker and Mr. Speaker—5.

Nays—Messers Rankin, Noteware, Whitter and Chilcott—4.

Mr Scudder requested a division of the motion, as amended previous to its being put.

The question then arose, "that 3,000 copies of the Governor's Message be ordered printed in English."

Carried.

"That 1,000 copies be ordered printed in Spanish."

Carried.

"That 1,000 copies be ordered printed in German." Lost.

Mr Speaker informed the House that he would appoint the committee in time for to-morrow's session.

On motion of Mr Chaffee,

the House adjourned until 9 o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES,
September 12, 1861.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Call of the House had.

Absent—Steele, Hall, Barela and Garcia.

A quorum being present,

Journal of yes terday's session was read and approved.

Mr Noteware moved that a committee of three be appointed to examine the credentials of Mr Steele.

Carried.

Speaker appointed Messrs Noteware, Scudder and Rankin, who reported Mr Steele entitled to his seat in this House.

Whereupon, he appeared, and the oath of office being administered, he entered upon the discharge of his duties.

The following communication from Lieut. Col. Sam'l F. Tappan, commandant of post at Camp Weld, was received:

HEADQUARTERS CAMP WELD,
Sept. 12, '61.

HON. C. F. HOLLY,

Speaker House of Representatives:

DEAR SIR:—Yourself and the twelve, together with your officers,

are cordially invited to visit this camp, at any time that may best suit your convenience. Dress parade and battalion drill every afternoon at 5¼ o'clock. Hoping you will do our camp the honor to call,

I have the honor to remain

Your obedient servant,

SAM'L F. TAPPAN,

Commandant of Post.

On motion,

The above communication was accepted and ordered to be spread upon the Journal.

The Speaker announced the following standing committees.

Judiciary—Crocker, Chaffee, Scudder.
Ways and Means—Scudder, Witter, Noteware.
Banks and Incorporations—Chaffee, Chilcott, Rankin.
Counties and County Lines—Chilcott, Rankin, Steele.
Education—Noteware, Hall, Chilcott.
Election and Apportionment—Rankin, Steele, Barela.
Military Affairs—Noteware, Rankin, Witter.
Territorial Affairs—Wilhite, Steele, Garcia.
Federal Relations—Chaffee, Rankin, Hall.
Printing—Scudder, Witter, Barela.
Rules and Joint Rules—Hall, Chilcott, Steele.
Roads and Bridges—Witter, Crocker, Garcia.
Mines and Minerals—Crocker, Rankin, Chaffee.
Agriculture—Steele, Chilcott, Barela.
Engrossment—Chilcott, Rankin, Hall.
Enrollment—Rankin, Wilhite, Noteware.

Mr Rankin asked that his name, as chairman, be taken from standing committees.

Mr Noteware moved that Mr Rankin be excused from acting as chairman on all committees in which his name occurs.

Carried.

Mr Speaker signified that at the next meeting of the House, he would fill vacancies caused by the resignation of Mr Rankin as chairman.

On motion of Mr Chaffee:

Resolved, That we accept the invitation of Lieut. Col. Sam. F. Tappan, commandant at Camp Weld, and appoint a committee of three to confer with the officers of said company in regard to the time of said visit.

Adopted.

Speaker appointed Messrs Chaffee, Noteware and Wilhite, as such committee.

Mr Rankin presented the following memorial of O. A. Whittemore, contesting the seat of C. P. Hall, as Representative from the Eighth Representative District, which was read by the Clerk:

To the House of Representatives of the first Legislative Assembly of Colorado Territory:

The undersigned O. A. Whittemore, respectfully represents unto your honorable body, that at the election held on the 19th day of August, A. D. 1861, for members of your body, your petitioner was a candidate for Representative from the Eighth Representative District, Colorado. C. P. Hall was likewise a candidate from said District, for Representative, and received a majority of nine votes, as shown by the returns.

The instructions of the Governor required the polls to be closed at 6 o'clock P. M.

In the Delaware Precinct, in said District, the polls were kept open until 8 P. M., in violation of said instructions.

At the time of the abovenamed adjournment, C. P. Hall's plurality was 61 votes, but at the final closing his plurality was 95 votes, giving Hall a total plurality of 11 votes. Your petitioner having received a majority of 84 votes, at the other precincts in said Eighth Representative District. Had the polls in Delaware Precinct been closed at 6 o'clock P. M., in accordance with the Governor's instructions, your petitioner would have had a plurality of 23 votes, or a majority of 21 votes, (two votes having been cast for another candidate,) and thus have been elected a member of your honorable body, from said District.

For proof of the above statements, we refer to affidavits appended hereto.

Your petitioner further represents, that he verily believes that the said C. P. Hall does not intend to take his seat in this House; your petitioner having been informed that the said Hall has recently started for a remote portion of this Territory.

Your petitioner therefore prays your honorable body that immediate action may be taken, that he may be received as the member of your House from the Eighth Representative District.

O. A. WHITTEMORE.

TERRITORY OF COLORADO, }
Joe Daviess District. }

Personally appeared before me, Alexander Hamilton, President and Judge of said District, J. A. S. Hanford and Joseph R. Staley, who, upon their solemn oath, depose and say, that between six and seven o'clock in the evening of the 19th of August, 1862, three men came to our cabin, in Galena Gulch, soliciting votes, and said that they were instructed to tell us that the polls would be kept open until 9 o'clock in the evening, and that the other ticket was 17 votes ahead; on which we inquired what was meant by the other ticket, and were told the Bennet ticket was 17 votes ahead, and they needed that many to make it even, and had come over to show us the road over. They said they had six voters that would go over. The said Hanford also further states that he came into Denver City

from the States, on the 5th day of June, A. D. 1861, for the first time he was ever in the Territory.

J. A. S. HANFORD,
JOSEPH R STALEY.

Sworn to and subscribed before me this 3d day of September, A. D. 1861.

ALEX. HAMILTON,
President Joe Daviess District.

TERRITORY OF COLORADO,
Pleasant Park District,
Delaware Gulch and Precinct.

AUGUST 31st, 1861.

Personally appeared before me, Alexander Hamilton, President and Judge of Joe Daviess District, Galena Gulch, George W. Anderson, who, upon his oath, says that he was one of the Clerks of the election, held in Delaware Precinct on the 19th day of August, A. D. 1861, according to the proclamation of Gov. William Gilpin, Governor of said Territory of Colorado. The said Anderson also further deposeth and saith, that the election polls were not closed at 6 o'clock P. M., but were adjourned, at about that hour, for supper, and opened again about 7 o'clock P. M., and kept open until eight o'clock P. M. That at the time of the adjournment, H. P. Bennet had 18 votes more than B. D. Williams; that C. P. Hall had 61 votes more than O. A. Whittemore. That at the time of the adjournment there were no voters present, wishing to deposit their votes, and that during the entire day's voting there was no vote challenged, and no voter challenged or sworn as to his qualifications as a voter.

GEO. W. ANDERSON.

Sworn to and subscribed before me, this 3d day of September, A. D. 1861.

ALEX. HAMILTON,
President of Joe Daviess District.

TERRITORY OF COLORADO,
Deleware Precinct,
Pleasant Park District.

Depositions of witnesses taken to be read in evidence in the House of Representatives of said Territory, (said House of Representatives to convene in the City of Denver on the 9th day of September A. D. 1861.)

O. A. Whitermore contesting the right of C. P. Hall to a seat in said House from the 8th Representative District, and claiming the seat for himself.

The said C. P. Hall being duly notified that the depositions would be taken this 2nd day of September, at the house of Mr. Crane, where the election was holden.

L. G. Mills being by me duly sworn deposes and saith.

Questioned. Was you one of the judges of the Territorial election

held at the house of D. A. Crane in Delaware Precinct, on the 19th day of August A. D. 1861?

Answer. Yes sir.

Question. Was there any votes challenged, either by the Judges or any one from the outside?

Answer. No sir.

Questioned. Was there an adjournment of the judges of said election in the evening of the day of election? If so when and at what time did the polls open again, and how long did they remain open?

Answer. Near six o'clock there was an adjournment and the polls opened about 7 o'clock, and were kept open until eight o'clock P. M.

Question. Was there any voters in waiting at the time of the adjournment?

Answer. There was none.

L. G. MILLS.

J. D. Kellogg of lawful age being by me first duly sworn, deposes and saith.

Questioned. At what time did you come into this Territory?

Answer. On the 23d of June I arrived in Denver, from Omaha City, Nebraska Territory.

Questioned. Did you vote at the Territorial Election held in Delaware Precinct on the 19th of August 1861?

Answer. I did.

Question. Did you know at that time the necessary qualifications of a voter?

Answer. I did not or should not have offered my vote; having since learned what the necessary qualifications were.

Question. Was you frequently around the polls during the day? and if so, did you hear any challenges either from the judges of election or persons outside the polls?

Answer. I was frequently around the polls and heard no challenges.

J. D. KELLOGG.

A. H. De France being by me first duly sworn, deposes and saith.

Question. Was you one of the Clerks of the election while at Delaware Precinct on the 19th of August 1861?

Answer. I was.

The same De France gives this as his statement as to how said election was conducted.

Before any votes were received in the morning of said day of election, the judges of said election discussed the question as to the qualifications of voters, and appeared to be in some doubt as to the proper construction of the Organic Act of this Territory, touching rights of the inhabitants thereof to vote, who was entitled to vote and who was not at said election, and deeming it necessary to restrict the right of voting to those alone who were actual residents of this Territory at the time said Organic Act was passed by Congress, concluded not to so confine the said right of voting, and during the

whole day there was no vote rejected. Every person who offered to vote I believe was permitted so to do. The polls remained open for the reception of votes (having been opened between seven o'clock and eight o'clock in the forenoon of that day) until eight o'clock in the evening of said day.

Whether there was any illegal voting done on said day and at said election I am unable to say, unless those be considered illegal voters who were not residents of this Territory at the time said Organic Act was passed as aforesaid.

I myself was permitted to vote, and I further state that I was not an inhabitant of said Territory at the time said Organic Act was passed.

The election during the whole day passed off as quietly and orderly as any election I ever witnessed anywhere.

A. H. DE FRANCE.

I George W. Anderson President of Pleasant Park District, Delaware Gulch, do hereby certify, that the above named witnesses who have subscribed their several depositions were by me first duly sworn.

That the depositions were taken at the time and place specified in the notice served upon C. P. Hall, and said notice was left at Mr. C. P. Hall's boarding house on the 30th day of August 1861. And that said Hall had been previously notified that his seat in said Territorial Legislature, would be contested by O. A. Whittermore.

GEO. W. ANDERSON,
President, Pleasant Park District.

Delaware Gulch, September 2nd, 1861.

On motion of Mr. Crocker

The Memorial was submitted to a select committee of three, consisting of Messrs Crocker, Scudder and Chaffee.

Mr. Scudder moved the following:

Resolved, That the committee on Judiciary be instructed to report at as early a day as practicable a code of civil and criminal law for the Territory of Colorado.

Carried.

On motion of Mr Noteware,

Resolved, That the committee on military affairs report as early as practicable a militia law for the Territory of Colorado.

Adopted.

On motion of Mr Witter,

Resolved, That the committee on military affairs be instructed to report at an early day a law prohibiting the sale of intoxicating liquors to soldiers in this Territory.

Adopted.

Mr Chaffee called for a third reading of the concurrent resolution respecting the election of Public Printer.

The Clerk having read the resolution the third time,

Mr Chilcott moved to amend,

By striking out the words "Thursday, (to-morrow) at 2 o'clock P. M.," and insert "Monday, the 16th inst., at 10 o'clock A. M."

The ayes and nays being demanded, the following was the result:

Ayes—Steele, Wilhite, Scudder, Chaffee, Noteware, Crocker, Chilcott and Mr Speaker—8.

Nays—Rankin, Witter—2.

Carried.

The clerk then notified the Council of the adoption of the resolution.

Mr Wilhite presented House Bill No. 1, as follows: "An act to designate the style of the Legislative acts of the Territory of Colorado." Be it enacted by the Council and House of Representatives of the Territory of Colorado: That all acts of the Legislative Assembly of the Territory of Colorado shall be designated, known and acknowledged in each such act of said Territory as follows:

"Be it enacted by the Council and House of Representatives."

Mr Wilhite requested the suspension of rules, that the bill might pass to a second reading, which was granted.

Clerk read the bill the second time.

Mr Rankin moved the bill be referred to a select committee of three.

Carried.

Messrs Rankin, Crocker and Wilhite, were appointed as such committee.

Mr Wilhite moved that members of the Council, and all members of the press of Colorado, be privileged to take seats within the Bar of the House.

Carried.

Mr. Witter offered the following:

Resolved, That the select committee to whom was referred the petition of O. A. Whittemore, be instructed to report at 2 o clock P. M., to-day.

Adopted.

On motion of Mr Crocker,

The House adjourned to 2 o'clock this afternoon.

State Historical and Natural Hi- ,y Society DENVER, COLORADO

AFTERNOON SESSION.

Council met pursuant to adjournment.

Speaker in the chair.

Mr Crocker chairman of the special committee to whom was referred the memorial of Mr. O. A. Whittemore, contestant of the seats of C. P. Hall of the eight Representative District, reported as follows:

To the Honorable the Speaker and Members of the Huuse of Representatievs of Colorado Territory:

Your committee to whom was referred the petition of O. A. Whittemore would respectfully report that they have examined he

affidavits and other papers presented with said petition, and the poll books of the 8th Representative District; that no papers or proof have been presented by C. P. Hall, to controvert the evidence offered by said Whittemore and that no one has appeared in his behalf and it appearing from the evidence before us that C. P. Hall has been notified that his seat would be contested before this House, and from the evidence before us, (we being instructed by the House to report forthwith) would report that we find the facts in the case to be as follows:

That at the Delaware Flats Precinct in said 8th Representative District. Corydon P. Hall receiving a majority of the votes cast over O. A. Whittemore of 95, that at said election no one was challenged, and all were permitted to vote, regardless of the fact of whether they were residents of this Territory at the time by law required to constitute legal voters, and that at the said election, the judges adjourned at 6 o'clock in the evening for supper, and afterwards re-opened the polls, and kept them open until eight o'clock. That the instructions of the Governor contained in the poll books, were to open at 7 o'clock A. M. and to keep open until six o'clock P. M. That at the time of the adjournment at six o'clock, Corydon P. Hall had a majority of the votes cast in that precinct of 61 votes. That the entire vote of said 8th Representative District, was as follows:

C. P. Hall,	532
O. A. Whittemore,	521
—— Kellogg,	2

Giving said Hall a plurality over Whittemore of 11 votes.

That had the polls been closed at the time of adjournment for supper, in Delaware Flats Precinct, at 6 o'clock P. M., as directed in the Governor's instructions, the vote in said District would have stood as follows:

For C. P. Hall,	493
For O. A. Whittemore,	516
For Kellogg,	2

In which case said O. A. Whittemore would have had a plurality over C. P. Hall, of twenty-three votes.

Your committee are of the opinion that the Judges of the Delaware Flats Precinct acted erroneously and illegally, in the adjournment for supper, at 6 o'clock on election day, and in again re-opening the polls, as also in the allowing all persons to vote; and are of opinion, from the evidence before us, that O. A. Whittemore received a majority of all the votes legally cast in the Eighth Representative District, and is entitled to a seat as a member of the House from that District, and therefore offer the following resolution:

Resolved, That O. A. Whittemore was, by a majority of the votes legally cast in the Eighth Representative District, elected as the member of this House from that District and is therefore declared the member of the House of Representatives of Colorado Terri-

tory, in place of Corydon P. Hall, to whom the certificate of election has been issued.

Respectfully submitted.

GEORGE F. CROCKER, Ch'n,
JEROME B. CHAFFEE,
EDWIN SCUDDER.

On motion,

Report was received and committee discharged.

Mr Witter moved the report and accompanying resolution be adopted.

Ayes and nays were demanded, with the following result:

Ayes—Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Witter, Crocker, Chilcott and Mr Speaker—10.

Carried.

Message from the Council:

COUNCIL CHAMBER,
Sept. 12, 1861.

Mr Speaker:

I am instructed to inform your honorable body that the Council has appointed Messrs Parker and Colby a committee on the part of the Council, to confer with a like committee on the part of the House, in regard to joint rules of the two houses, and your earliest attention to the matter is respectfully requested.

S. L. BAKER, Chief Clerk.

On motion,

The Speaker appointed a committee of three, consisting of Messrs Wilhite, Crocker and Chaffee, to confer with the above committee of the Council.

On motion,

The Speaker declared O. A. Whittemore a member of this House in place of C. P. Hall, who received a certificate from the Governor.

Whereupon, Mr Whittemore took the oath of office, and entered upon the discharge of his duties.

The Speaker announced the name of Mr Whittemore in the place of Mr Hall, on all committees where Hall's name occurs.

Mr Chaffee being called to the chair,

The Hon. Speaker offered the following joint resolutions:

JOINT RESOLUTIONS BY MR. HOLLY.

Be it Resolved, by the Council and House of Representatives of Colorado Territory, as follows, to-wit:

1st. That the deplorable civil war in which the United States Government is now engaged, was brought about by the unjustifiable and traitorous acts of the Disunionists at the South, and therefore the sole responsibility for all its legitimate consequences rests with them alone.

2nd. That the resources of the country, both in men and means, to their utter exhaustion, should be at once called out, if needed,

to defend the National Government and to preserve the integrity of the Union.

3d. That the pretended right of Secession, as claimed by some of the States of the Union, has no warrant in the Constitution, and is wholly repugnant to the principles on which our Government was founded.

4th. That after this rebellion shall have been crushed out, the supremacy of the Federal Constitution shall have been fully conceded and the rights of the Union shall have been amply guaranteed, then there should be invoked the same spirit of concession and compromise, to perpetuate our institutions, in which they were first conceived and framed.

5th. That the people of Colorado Territory, utterly ignoring all former political classifications, heartily sympathize with the Federal Government in its present contest; approve of its leading acts, which have been necessarily undertaken for its own self existence and self defense, and pledge themselves to co-operate, to the full extent of their power, in all constitutional manners which may hereafter be adopted, towards the prompt and decisive conclusion of the war thus waged on its part, *only* for the maintenance of the Constitution and the enforcement of the laws.

The Speaker (Mr Holly) asked that the rules might be suspended, to permit the second reading of the joint resolution.

Granted.

Thereupon, the joint resolution was

Read a second time by its title.

On motion of Mr Witter,

The joint resolution was ordered printed, and

Made the special order for Saturday next, at 2 P. M.

On motion of Mr Wilhite,

Resolved, That the committees appointed on different bills and resolutions, be furnished by the Clerk with a copy of the names of said committees, as soon as possible after being appointed.

Adopted.

The committee to whom was referred

H B No. 1, made the following report, through their chairman, Mr Rankin:

To the honorable the Speaker and members of the House of Representatives of Colorado Territory:

Your committee to whom was referred House Bill No. 1, would respectfully report that they have examined the same and find the same defective, and would move to amend the same by the substitution of the following:

An act concerning the enacting clause of the acts of the Territory of Colorado.

"Be it enacted by the Governor and Legislative Assembly of the Territory of Colorado:"

Sec. 1st, That the enacting clause of all acts of the Legislative

Assembly of the Territory of Colorado, shall be in the following form:

"Be it enacted by the Governor and Legislative Assembly of the Territory of Colorado." Respectfully submitted.

W. A RANKIN, Chairman.
GEORGE F. CROCKER.
E. S. WILHITE.

On motion,

The report was received and committee discharged.

The following communication was received from the Hon. the Secretary of the Territory.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
SECRETARY'S OFFICE,
Denver, September 12th, 1861.

HON. C. F. HOLLY,
Speaker House of Representatives:

SIR:—Will you be kind enough to inform the members of the House of Representatives, that I have instructed the proprietors of each of the daily newspaper in this city, to furnish to each member daily five copies of their newspapers, and also Messrs Woolworth & Moffat, to supply to each member, one copy of such eastern newspaper as he may choose on his personal application on the arrival of each mail. I am sir, with great respect,

Yours &c.,
LEWIS LEDYARD WELD,
Secretary of Colorado Territory.

On motion,

The communication was accepted and ordered to be spread upon the Journal.

Mr Noteware offered the following:

Resolved, That the Sergeant-at-Arms be directed to assign seats within the bar to ladies who may wish to attend upon the deliberations of this body.

Adopted.

Mr Holly moved the report of the committee on House Bill No. 1, be rejected.

Mr Rankin moved to lay on the table.

Lost.

Mr Holly asked the suspension of the rules, that House Bill No. 1, might pass to a third reading.

Granted.

H B No. 1, read a third time.

Mr Witter moved as an amendment, the addition of "of Colorado Territory," so that it would read "Be it enacted by the Council and House of Representatives of Colorado Territory."

Mr Rankin rose to a point of order, that no bill could be amended after its third reading, except by way of a rider.

The chair decided the point not well taken.

The ayes and nays being demanded on the amendment, the following was the result.

Ayes—Messrs Steele, Wilhite, Scudder, Chaffee, Whittemore, Witter, Crocker, Chilcott and Mr. Speaker—9.

Nays—Messrs Rankin and Noteware—2.

So the bill was passed as amended, and

Title agreed to.

On motion,

The House adjourned until 10 o'clock to-morrow morning.

House of Representatives,
Sept. 13, 1861.

House met pursuant to adjournment, at 10 o'clock A. M.

Speaker in the chair.

Prayer by the Chaplain.

Call of the House had.

Absent—Barela and Garcia.

A quorum being present, the Journal of yesterday's session was read, amended and approved.

A petition of D. P. Walling and others, was presented to the House, asking the erection of a county with the following boundaries:

Commencing at or near Coal creek canon, running east 12 miles; thence north 30 miles; thence west to the Snowy Range; thence south to South Boulder creek; thence down said creek to the mouth of South Boulder canon; thence south to the place of beginning; establishing the county seat at Boulder City.

Mr Chaffee moved to lay upon the table.

Carried.

Mr Crocker moved that 100 copies of a list of the standing committees be ordered printed for the use of the House.

Carried.

Mr Wilhite moved the following resolution:

Resolved, That the Governor's message be referred to a special committee, with instructions to distribute the subject matter thereof to the appropriate committees.

Adopted.

Messrs Wilhite, Witter and Crocker appointed as such committee.

Mr Witter offered the following:

Resolved, That the Clerk be instructed to provide every member of the House of Representatives, each morning, before the opening of the session, with a printed copy of the Journal of the previous day.

Adopted.

The Speaker announced Mr Steele a chairman of committee of Elections and Apportionments, in place of Mr Rankin, and Mr Wilhite as chairman of committee of Enrollments.

The following messages were received from the Council:

COUNCIL CHAMBER,
Sept. 13, 1861.

Mr Speaker:

I am directed by the Council to inform your honorable body of the passage of the following resolution, and your concurrence is respectfully requested.

Resolved, by the Council, the House of Representatives concurring, That the Legislature of Colorado Territory meet in joint session in the hall of the House, on Monday, the 16th inst., at 10 o'clock A. M., for the purpose of hearing the opinion of the Attorney General of the Territory in regard to the legality of the Territorial Legislature electing a Public Printer.

S. L. BAKER, Secretary.

COUNCIL CHAMBER,
Sept. 13, 1861.

Mr Speaker:

I am directed by the Council to inform the House of Representatives of the passage of

C B No. 1, "An act in relation to District Courts,"

And your concurrence is respectfully requested.

Yours, respectfully,
S. L. BAKER, Secretary.

Mr Noteware called to the chair.

Mr Holly moved an amendment to the concurrent resolution from the Council, relating to a Joint Convention to hear the opinion of the Attorney General on Monday September 16th, 1861.

After the end of the last paragraph, to add the following words: "And to take such action in the premises as such joint convention may deem best."

Mr Chaffee moved an amendment to the amendment by striking out that part of the Council Resolution which provides for hearing the opinion of the Attorney General, and insert in lieu thereof, "For the election of a Public Printer."

Vote being taken and the chair not being able to decide, the Ayes and nays were demanded, with the following result:

Ayes—Messrs Steele, Wilhite and Chaffee—3.

Nays—Messrs Scudder, Rankin, Noteware, Whittemore, Witter, Crocker, Chilcott and Mr Speaker—8.

Lost.

The question recurring on the amendment, the
Ayes and nays were called for, with the following result:

Ayes—Messrs Steele, Scudder, Chaffee, Holly, Whittemore, Witter, Crocker, Chilcott and Mr Speaker—9
Nays—Messrs Wilhite and Rankin—2.

Mr Holly moved to suspend the rules, and that the Council Resolutions pass to the third reading.
Ayes and nays called for, which resulted as follows:

Ayes—Messrs Wilhite, Scudder, Holly, Chilcott and Speaker—5
Nays—Messrs Steele, Rankin, Chaffee, Whittemore, Witter and Crocker—6.
So the motion to suspend rules, was
Lost.

On motion,

Council Bill No. 1, passed the first reading.

Mr Chaffee gave notice that he would on to-morrow or some subsequent day, introduce a bill to incorporate the consolidated Ditch Company, located at Missouri City.

Also, to incorporate the Blue River and Buffalo Flats Ditch Company.

Mr Witter gave notice,
That he would on to-morrow or some subsequent day, introduce a bill to suppress gambling and gambling houses in this Territory.
The committee to whom was referred the Governor's Message, made the following report through their chairman Mr Wilhite.

To the honorable, the Speaker and members of the House of Representatives of Colorado Territory:

Your committee to whom was referred the Governor's Message, for analysis and distribution, would recommend that so much of the Governor's Message as refers to counties and sub-division into districts, be referred to the committee on Counties and County Lines; that so much as refers to the passage of a code of laws, be referred to the committee on Judiciary; that part concerning the establishment of a system of schools, to the committee on Education; that part concerning the militia and military organization, to the committee on Military Affairs; and that part concerning the erection of corporations, to the committee on Incorporations.
Respectfully submitted.

E. S. WILHITE, Chairman.

On motion,
The report was received and committee discharged.

On motion of Mr Witter,
The report was adopted.

On motion,
House adjourned until 2 o'clock P M.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

Message from the Council:

COUNCIL CHAMBER,
September 13th, 1861.

Mr. Speaker:

I am requested to inform your honorable body, that the Council refused to concur in the following resolution.

Respectfully yours,
D. A. CHEVER,
Assistant Secretary.

Concurrent resolution:

Resolved, By the House of Representatives the Council concurring, that we meet in the Hall of the House on Monday the 16th inst. at 10 o'clock, for the purpose of electing a Public Printer for this Territory.

The committee on Judiciary to whom was referred C B No. 1, Made the following report:

To the Honorable Speaker and members of the House ot Representatives ot Colorado Territory:

Your committee on Judiciary would report that they have examined Council Bill No. 1, and in order that the said Bill shall conform to the provisions of House Bill No. 1, would move to amend by striking out all of the enacting clause after the word enacted, and inserting, "by the Council and House of Representatives of Colorado Territory," and with this amendment would recommend the enactment of the bill.

Respectfully submitted.

GEORGE F. CROCKER, Chairman.

Mr Wilhite moved the report be received.

Carried.

Mr Crocker moved the adoption of the resolution with the amendment as recommended.

Adopted.

Mr Crocker moved a suspension of the rules, that the bill might pass to its third reading.

The ayes and nays were demanded, with the following result:

Ayes—Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Notewere, Whittemore, Witter, Crocker, Chilcott and Mr Speaker—11.

Carried.

So the bill was read a third time, and

Passed.

Whereupon the Chief Clerk proceeded to notify the Council.

Mr. Rankin offered the following:

Resolved, That the Honorable the Secretary of the Territory be requested to have painted on the desk of each member of this body the number of his respective district.

Mr Witter moved to strike out the word "respective," which amendment was accepted by Mr Rankin.

Carried.

Whereupon the resolution as amended was adopted.

The following resolution was introduced by Mr Wilhite:

Resolved, That the petition of D. P. Walling and 100 other citizens near Boulder City, relating to counties and county seats, be taken up from the table and referred to the committee on Counties and County lines.

Adopted.

On motion,

The House adjourned until 10 o'clock, to-morrow morning.

House of Representatives.
September 14, 1861.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Barela and Garcia.

A quorum being present,

Journal of previous day was read and approved.

Mr Steele asked leave to present the petition of Mr Bond, contesting the seat of Mr Witter, of the 9th Representative District.

On motion,

The petition was read for information.

Mr Steele moved that a committee of three be appointed to investigate Mr Bond's petition.

The chair ruled the motion out of order.

Mr Scudder asked leave to introduce a petition to incorporate the City of Denver, accompanied by a charter for the city government.

Mr Rankin moved that the petition of Mr Bond be referred to a select committee of three.

Carried.

Messrs Rankin, Chilcott and Steele were appointed as such committee.

Mr Chilcott offered the following resolution:

Resolved, That on Monday, Sept. 16th, this House proceed to the election of a second assistant clerk.

Mr Crocker moved an amendment, to add "and second messenger."

Mr Chilcott accepted the amendment.

Carried.

Mr Chilcott offered the following resolution:

Resolved, That the Executive Department be respectfully requested to send a special messenger, informing Messrs Barela and Garcia, members elect of this House, of the session of this Legislature, and requesting their attendance at the same.

Adopted.

Mr Crocker moved that the resolution from the Council, in relation to hearing the opinion of the Attorney General in regard to electing a Public Printer, be ordered to a third reading.

Whereupon, the resolution was

Read third time.

The question being on its passage,

The ayes and nays were demanded, with the following result:

Ayes—Messrs Steele, Wilhite, Scudder, Chaffee, Witter, Crocker and Mr Speaker—7.

Nays—None.

So the resolution was passed.

Messrs Garcia and Barela then appeared, and upon the oath being administered by the Honorable the Secretary of the Territory, through Mr M. C. Fisher, their interpreter, they entered upon the discharge of their duties.

Mr Scudder moved that the petition from the People's Government, of Denver, with the accompanying documents, be referred to the committee on Incorporations.

Carried.

Mr Wilhite moved that the resolution for the Governor to dispatch a special messenger for Messrs Garcia and Barela be reconsidered.

Carried.

The resolution was then withdrawn.

Mr Wilhite moved that the chair appoint a committee of three to procure an interpreter for Messrs Garcia and Barela.

Mr Crocker moved an amendment, that the Seceretary of the Territory be requested to procure a competent Spanish interpreter for this House.

Adopted.

Mr Chaffee, on leave, introduced

H B No. 2, "An act entitled An act to incorporate the Consolidated Ditch Company."

Read first time.

Mr Chaffee introduced

H B No. 4, "An act entitled An act to incorporate the Blue River and Buffalo Flats ditch company."

Read first time by its title.

Mr Wilhite gave notice that he would, on Monday next, or some subsequent day,

Introduce a bill for the location of the capital or seat of government for Colorado Territory.

The following message was received from the Council:

COUNCIL CHAMBER,
September 14, 1861.

Mr. Speaker:

I am instructed by the Council to inform the House of the passage of the following concurrent resolution, and to ask their concurrence therein.

Yours, &c.,
S. L. BAKER, Secretary.

Resolved, By the Council, the House of Representatives concurring, that we meet in Joint Session, in the hall of the House, on Tuesday, the 17th inst., at 10 o'clock A. M., to consider the propriety of electing a public printer.

On motion of Mr Chaffee,
Council Resolution No 3, was
Read first time.
Mr Crocker moved that the 10th order of business be taken up,
Carried.
On motion,
Rules were suspended, and Council Resolution No 3, was
Read second time.
Mr Rankin offered the following resolution:

Resolved, That this body will not take action on any bills of a private character, until forty days of this session shall have expired.

Ayes and nays demanded.

Messrs Garcia and Barela being excused from voting, the vote stood as follows:

Ayes—Messrs Steele, Rankin, Whittemore, Witter and Crocker—5.

Nays—Messrs Wilhite, Scudder, Chaffee, Noteware, Chilcott and Mr Speaker—6.

So the resolution was
Lost.

Mr Crocker moved to adjourn until Monday morning 10 o'clock.

Ayes and nays demanded.

Messrs Garcia and Barela being excused from voting, the following was the result:

Ayes—Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Witter, Crocker and Chilcott—8.

Nays—Messrs Rankin, Chaffee and Mr Speaker—3.

So the motion to adjourn was
Carried.
The House adjourned at 11½ A. M.

House of Representatives,
Monday, Sept. 16, 1861.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Journal read and approved.
Absent—Mr Rankin.

Mr Charles Brassler, the Spanish interpretor procured for the use of the House by the Secretary of the Territory, appeared in the Hall of the House, took the oath of office and entered upon the discharge of his duties.

Mr Chaffee from the select committee, to whom was referred the invitation of Col. Tappan, to visit Camp Weld, presented the following report:

To the Honorable Speaker, the House of Representatives of Colorado Territory:

Your committee to whom was referred the matter of invitation of Lieut. Col. Tappan, Commander at Camp Weld, would respectfully report that that they have conferred with the officers of Camp Weld, and we, your committee respectfully request that Tuesday evening the 17th inst., be the time fixed upon for the time of said visit by this House.

Respectfully submitted.

J. B. CHAFFEE, Chairman.
J. H. NOTEWARE.
E. S. WILHITE.

Report was received and committee discharged.

Mr Wilhite, from the select committee to report joint rules, presented the following report:

JOINT RULES

OF THE COUNCIL AND HOUSE OF REPRESENTATIVES,

First Session of the Legislature of Colorado Territory.

Rule 1. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the chair by the person by whom it may be sent.

Rule 2. The same ceremony shall be observed when a message shall be sent from the House of Representatives, to the Council.

Rule 3. Messages shall be transmitted from one House to the other by the chief clerk or secretary, unless otherwise specially ordered by the presiding officer, and while both Houses are in session.

Rule 4. After a bill shall have passed both Houses, it shall be duly enrolled by the enrolling clerk of the House of Representatives, or of the Council, as the bill may have originated in the one or the

other House, before it shall be presented to the Governor of the Territory for his approval.

Rule 5. When the bills are enrolled, they shall be examined by a joint committee of two from the Council, and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the two Houses, and correcting any error that may be discovered in the enrolled bills make their report forthwith to their respective houses.

Rule 6. After examination and report, each bill shall be signed in their respective houses, first by the Speaker of the House of Representatives, then by the President of the Council.

Rule 7. After a bill shall have been thus signed in each House it shall be presented by the said committee, to the Governor for his approbation, (it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the Chief Clerk of the house in which the same did originate,) and shall be entered on the journal of each house. The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of each house.

Rule 8. All orders, resolutions and votes, which are to be presented to the Governor of the Territory for his approbation, shall also, in the same manner be enrolled, examined and signed; and shall be presented in the same manner, and by the same committee as provided in the cases of bills.

Rule 9. Each house shall transmit, in case they are demanded, all papers on which any bill or resolution shall be founded.

Rule 10. The President of the Council shall preside at all Conventions of the Houses.

Rute 11. Any three members may move a call of the convention.

Rule 12. In all cases the President shall have the right of voting, and in all cases he shall vote last.

Rule 13. When a bill or resolution, which shall have passed one house, shall be rejected in the other, notice thereof shall be given to the house in which the same may have passed.

Report received and committee discharged.

On motion, the rules as reported by the committee, were

Adopted.

Mr Scudder gave notice that on to-morrow or some subseqnent day, he would ask leave to introduce a bill for "An act for the relief of James Lee Longbottom."

The Secretary of the Council appeared and delivered the following message:

COUNCIL CHAMBER,
September 14, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that they

have concurred in the amendment to the following concurrent resolution.

Respectfully Yours.
S. L. BAKER, Secretary.

Resolved, by the Council, the House of Representatives concurring, That the Legislature of Colorado meet in joint session in the hall of the House, on Monday, the 16th inst., at 10 o'clock A. M., for the purpose of hearing read, the opinion of the Attorney General of the Territory, in regard to the legality of the Territorial Legislature electing a Public Printer, and to take such action in the premises as said joint convention shall deem best.

Mr Barela offered the following resolution:

Resolved, That the Secretary of the House be instructed to obtain the consent of the Secretary of the Territory that two copies of the "Rules of the House" be printed in the Castilian language, for the use of the members from New Mexico, who are seated in this House.

Mr Noteware moved to insert "Twelve copies," in place of "Two copies."

Carried.

Mr Witter gave notice, that on to-morrow or some subsequent day, he would ask leave to

Introduce a bill for An act to prevent prairies and timber from being set on fire.

Mr Chilcott moved to proceed to the election of second assistant clerk.

Carried.

Mr Scudder nominated J. U. Price.

The Sergeant-at-Arms announced the members and officers of the Council.

Whereupon, both Houses went into

JOINT CONVENTION.

President of the Council in the chair.

The Attorney General, in conformity with a resolution passed by both houses, asking his opinion in regard to the election of a Public Printer, sent in the following opinion, which was read by the Secretary:

To the Honorable Legislative Council of Colorado Territory:

GENTLEMEN.—I have received through the Secretary of the Council, a copy of the resolution adopted by your honorable body, on the 13th inst., as follows:

"*Resolved*, That the Attorney General of the Territory of Colorado be requested to furnish to the Council a written opinion, at his earliest convenience, in regard to the powers of this Territorial Legislature to elect a Public Printer."

In response to the request contained in the above resolution, I have given the subject upon which the opinion is desired, the m-

careful investigation in my power, and have come to the followin conclusions, which I respectfully submit for your consideration.

A territorial legislature possesses only such powers as are confer red upon it by act of Congress, either in the Organic Act creating the Territory, amendments thereto, or in the general enactments of Congress relative to the Territories. The Organic Act of this Territory containing no *specific* provisions upon this subject, resort must be had to the acts of Congress relative to the Territories generally.

The act of 29th August, 1842, Sec. 2, is as follows:

"All accounts for disbursements in the Territories of the United States of money appropriated by Congress for the support of government therein, shall be settled and adjusted at the Treasury Department, and no act, resolution or order of the Legislature of any Territory, directing the expenditure of the sum, shall be deemed a sufficient authority for such disbursement, but sufficient vouchers and proof for the same shall be required by said accounting officer. And no payment shall be made or allowed, unless the Secretary of the Treasury shall have estimated therefor, and the object been approved by Congress. No session of the Legislature of a Territory shall be held until the appropriation for its expenses shall have been made. In the adjustment of said accounts, no charge for the services of a greater number of officers and attendants shall be allowed than for one Secretary and assistant Secretary or Clerk, one sergeant-at.arms or door-keeper, one messenger and one foreman for each house of the Legislature, to neither of whom shall a greater compensation than three dollars per day be paid. And it shall be the duty of the Secretary of each Territory to prepare the acts passed by the Legislature for publication, and to furnish a copy thereof to the public printer of the Territory within ten days after the passage of each act."

The above act, it will be seen, determines what officers and attendants, of a Territorial Legislature, may be paid out of the funds appropriated by the general government for the Territory, and also gives to the Treasury Department the control over the disbursements of such appropriations.

The 11th section of the Organic Act, in effect, authorizes the Secretary of this Territory, under the general control of the Secretary of the Treasury, to expend the sum appropriated by Congress "to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses." Congress having thus, in the act above quoted, virtually designated the "officers and attendants" which a Territorial Legislature may elect, it would seem to follow fairly, that none others than those so designated can be elected by a Territorial Legislature; and as the office of Public Printer, for a Territory, is not recognized by Congress in the above act, or in any other act of which I am aware, that therefore he is not an officer whom the legislature is permitted to elect. This construction of the act also seems to negative the inference that this right may follow as a necessary incident to a legislative body, under the sixth section of the Organic Act, which declares "that the legislative power of the Territory shall extend to all rightful subjects of legislation."

Indeed, in this view, the Public Printer mentioned in the above act, is not an OFFICER at all, he is simply a CONTRACTOR to whom, at his option, the Secretary of the Territory, under the authority and instructions of the Treasury Department, in pursuance of the provisions of the above act, LETS OUT THE PRINTING, as he lets out to the carpenter the preparation and furnishing of the legislative halls, and who might with the same propriety be called the PUBLIC CARPENTER.

The general government having freely given to the Territory the money thus to be expended, properly claims the right which it certainly possesses, to make the contracts for its disbursement, through its agent. It freely yields its authority to the Legislature to make laws and generally to govern the people of the Territory, while it as freely pays the expenses incurred thereby, simply exercising the right of disbursing the money in such proportions and under such restrictions as it chooses to provide. The Secretary of the Territory is simply the agent of the government—a contracting as well as a disbursing agent. He is not responsible to the Legislature, but to the higher power and authority of the Secretary of the Treasury of the United States. He has entrusted to him a certain sum of money which as an officer of the Federal Government he disburses under its direction. He cannot if he would recognize any other authority. The instructions to the Secretary of this Territory from the Treasury Department are direct, full and explicit.

By the Organic Act of this Territory, the Legislative Assembly could not elect such an officer as a Public Printer, even had they the power to create such an office. The 7th section of the Organic Act provides that "the Governor shall nominate and by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for—and in the first instance the Governor alone may appoint all said officers &c."

The public printer not being an officer "otherwise provided for" in the Organic Act, could not therefore be elected by the Legislative Assembly, but must be appointed by the Governor, in case such office did exist or should be created.

The question as to the power of a Territorial Legislature to elect a public printer is not a new one. It has arisen in several instances previously, and the department at Washington has been consistent in the position it originally took and which it still holds, that a Territorial Legislature does NOT possess that power. A question of this kind arose in Nebraska quite recently, and an opinion upon the subject was given by Hon. John A. Dix then Secretary of the Treasury, on the 22d day of February last. The provisions of the Organic Act of Nebraska (passed May 30, 1854) are upon this subject analagous to those of our own Organic Act, but embody more at length the provisions of the Act of 29th August, 1842—which I have before quoted—and which provisions being applicable to ALL the Territories of the United States, are as binding upon them, as if specifically contained in the Organic Act of EACH Territory. The Nebraska Act provides that "a chief clerk, one assistant clerk, a sergeant-at-arms and doorkeeper, may be

chosen for each house * * * * And there shall also be appropriated annually, a sufficient sum, to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses. And the Governor and Secretary of the Territory shall, in the disbursement of all moneys entrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall semi-annually, account to the said Secretary for the manner in which the aforesaid money shall have been expended, and no expenditure shall be made by said Legislative Assembly for objects not specially authorized by the acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects."

The Nebraska Legislature claimed the right to appoint a public printer, other than the person with whom a contract for the public printing has been made by the Secretary of the Territory. Secretary Dix in his opinion upon this question, after quoting a portion of the law above referred to, says: "The printer of the laws of the Territory not being one of the officers of the Legislative Assembly, which it is authorized to elect by the preceding terms of that section (29th August 1842, section, two) and as the Secretary of the Territory is required to be governed solely by the instructions of the Secretary of the Treasury in the disbursement of the money appropriated for printing the laws, it would seem that the course adopted by this department in 1858 (referring to its previous action regarding printing in Nebraska) in sanctioning the contract made by the Secretary of the Territory, was within the law. As its provisions now stand, unless the Secretary of the Treasury shall recognize the designation of a printer of the laws, by the Legislative Assembly SUCH DESIGNATION CAN HAVE NO FORCE OR EFFECT. In my opinion, the case, the contracts made by the Secretary of the Territory for printing the laws, if made in good faith and in accordance with the appropriations, should be sanctioned agreeably to the course heretofore pursued,"

The above opinion of Secretary Dix, the present administration have since declared, contained their views upon this subject.

My opinion therefore is, both from a careful reading of the law, so far as it bears upon this subject—from the precedents of the differences on this question in other Territories, which have resulted in a waste of time of the Legislature, with an invariable result i sustaining the views here expressed—and from the declared opinion of the Department at Washington itself upon the question—that the Legislative Assembly of this Territory has *not* the power to elect a Public Printer, other than the person or persons with whom a contract for the public printing has been or shall be made by the Secretary of the Territory, and that should the Legislative Assembly appoint any other person as Public Printer, the Secretary would have no power to pay such Public Printer for any services he might render, out of appropriations from the general government, and the Territory would be encumbered with a debt, which, in the present

state of its resources, it would be inconvenient or impossible to pay. The Department at Washington having furnished the money, has the right; and will exercise it, to say what shall be printed—what the price of the printing shall be—and (through their agent who disburses the money) to whom the contract for printing shall be let.

I have not formed this opinion without careful inquiry, with an earnest desire to lend my influence, such as it may be, to the *final* settlement of this question; retaining to the Legislative Assembly all the rights they can possibly claim under the law which created *their body and delegated their powers*; and I am entirely convinced that under that law, the right and power to elect a Public Printer is NOT vested in them.

Respectfully,
Your obedient servant,
JAMES E. DALLIBA.

Denver, September 16, 1861.

The Speaker called Mr Rankin to the chair.

Mr. Holly presented the following resolutions:

Resolved, By the Council and House of Representatives of Colorado Territory in joint convention assembled, as follows, to-wit:

1st. That Edward Bliss be and he is hereby declared elected and appointed Public Printer for the Council and House of Representatives of Colorado Territory, for the term of one year from and after this date, and until his successor shall be duly elected and appointed.

2nd. That it is hereby declared to be the duty of the chief clerk of the Council, and chief clerk of the House, to deliver to said Public Printer a certified copy of the Journals, Resolutions, Acts, or any other papers or manuscript which may be ordered to be printed by their respective Houses.

3d. That it is hereby expressly provided and stipulated, that no claim shall hereafter be made or allowed against the Territory of Colorado, for any work done, material furnished, or services rendered, by the said Public Printer or his successor in office.

4th. That the Public Printer, before entering upon the discharge of his duties shall take an oath to support the Constitution of the United States, the Organic Act for Colorado Territory and faithfully to demean himself as the Public Printer for the Council and House of Representatives of Colorado Territory.

5th. That the Public Printer shall print in such form as shall be ordered, on good paper and with good binding, in good workmanlike manner, and deliver the same, subject to the order of either House, as soon as practicable, any Journal, Act, paper or manuscript which may be ordered by either House.

Mr Holly moved that the resolutions be taken up and adopted *seriatim*.

Section 1st was read and adopted.

Section 2nd was read and adopted.

Mr Steck moved to amend by adding to the third section the words "and shall be paid, if paid at all, out of any monies appropriated by the Congress of the United States in the second session of the 36th Congress, for paying the expenses of the Legislative Assembly of the Territory, the printing of the laws and the incidental expenses, or from any other fund which may hereafter be provided by Congress for that purpose."

Lost.

The question recurring on the passage of the 3d section, it was

Adopted.

Section 4th was read and

Adopted.

Section 5th was read and

Adopted.

Mr Holly moved that the convention now proceed to fill the blank in section 1st, by electing a Public Printer.

Carried.

Mr Holly, of the House, nominated Edward Bliss.

Mr Robbins, of the Council, nominated Matt. Riddlebarger.

Those voting for Mr Bliss, were

Messrs Colby, Graham, Mather and Mr President, of the Council; and Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Witter, Crocker, Barela, Chilcott and Mr Speaker, of the House.

Those voting for Mr Riddlebarger, were

Messrs Robbins and Willis, of the Council; and Mr Whittemore, of the House.

Messrs Parker and Steck, of the Council, and Mr Garcia, of the House, were excused from voting.

Mr Rankin, of the House, was absent.

Whole number of votes cast—17.

Necessary to a choice—9.

Mr Bliss received fourteen votes.

Mr Riddlebarger, three votes.

Mr Bliss having received a majority of all the votes cast, was declared duly elected.

On motion,

The joint convention adjourned.

On the adjournment of the joint convention,

The Speaker resumed the chair, and called the House to order.

Mr Chilcott moved to proceed to the election of second assistant clerk.

Carried.

Mr Scudder nominated J. U. Price.

Mr Chilcott nominated Chauncey Barbour.

Mr Whittemore nominated J. Webster.

Mr Wilhite nominated W. M. Slaughter.

Mr Wilhite voted for Mr Slaughter.

Mr Whittemore voted for Mr Webster.

Mr Scudder voted for Mr Price.

Those voting for Mr Barbour, were

Messrs Steele, Chaffee, Noteware, Witter, Crocker, Chilcott, Garcia, Barela and Mr Speaker.

Whole number of votes cast—12.

Necessary for a choice—7.

Mr Barbour received nine votes.

Mr Price received one vote.

Mr Slaughter received one vote.

Mr Webster received one vote.

Mr Barbour having received a majority of all the votes cast, was declared duly elected second assistant clerk.

Whereupon, the oath of office was administered to him by the Speaker, and he entered upon the discharge of his duties.

Mr Crocker moved to proceed to the election of second messenger.

Carried.

Mr Crocker nominated Master Noteware.

Mr Wilhite nominated Master Townsend.

Those voting for Master Noteware, were

Messrs Steele, Scudder, Rankin, Chaffee, Whittemore, Witter, Crocker, Chilcott, Garcia, Barela and Mr Speaker.

Mr Wilhite voted for Master Townsend.

Mr Noteware was excused from voting.

Whole number of votes cast—12.

Necessary to a choice—7.

Master Noteware received eleven votes.

Master Townsend received one vote.

Master Noteware having received a majority of all the votes cast, was declared duly elected.

Whereupon, Master Noteware came forward and took the oath of office at the Speaker's desk, and entered upon the discharge of his duties.

Mr Barela offered the following resolution:

Resolved, That two copies of the Journals of the House be printed in the Spanish language, for the use of the members from the 11th and 12th Districts.

Mr Witter moved to amend by inserting "25 copies," instead of "2 copies."

Mr Barela accepted the amendment, and

The resolution, as amended, was then

Adopted.

Mr Chaffee moved to adjourn to 2 P. M.

Carried.

AFTERNOON SESSION.

Mr Noteware moved a call of the House, which, being seconded.

The roll was called,

And Messrs Steele, Wilhite, Scudder and Rankin found absent,

Whereupon the Sergeant-at-arms was dispatched for the absentees.

After being absent some time, the Sergeant-at-Arms appeared, and reported

Messrs Steele, Scudder and Rankin in their seats, but that he was unable to find Mr Wilhite.

Mr Noteware moved that Mr Wilhite be excused. Carried.

Mr Noteware moved that

Messrs Steele, Scudder and Rankin be excused. Carried.

Mr Chilcott moved that further proceedings under the call be dispensed with. Carried.

Mr Chaffee offered the following resolution:

Resolved, That Chas. A. Brassler be and he is hereby appointed translator for the House of Representatives of the Territory of Colorado.

Mr Rankin gave notice that on to-morrow or some subsequent day he would introduce a bill for "An act to provide for county and town officers".

House Bill No. 3, was read a second time by its title.

Mr Rankin moved to lay H B No. 3, on the table that it might be printed.

Ayes and nays being demanded there were

Ayes—3.

Nays—9.

Those voting in the affirmative were

Messrs Steele, Rankin and Noteware—3.

Those voting in the negative were

Messrs Scudder, Chaffee, Whittemore, Witter, Crocker, Garcia, Barela, Chilcott and Mr Speaker—9.

So the motion was

Lost.

Mr Noteware moved that House Bill No. 3, be printed.

Lost.

On motion,

House Bill No. 3, was referred to committee on Banks and Incorporations.

Mr Scudder moved that H B No. 4, be

Read a second time by its title,

And referred to committee on Banks and Incorporations.

Carried.

Whereupon the bill was

Read a second time by its title,

And referred to committee on Banks and Incorporations.

The Council resolution to provide for a meeting in joint convention on Tuesday the 17th ints., for the purpose of electing a Public Printer,

Was taken up.

Mr Scudder moved that the resolution be indefinitely postponed.

Carried.

Mr Holly moved that joint resolution in regard to the Union,

Be taken up.

Carried.

The resolutions were
Read third time by their title.
Mr Rankin moved that the fifth resolution be amended by striking out the words "utterly ignoring all former political classification."
Ayes and nays being called for and ordered, there were
Ayes—2.
Nays—10.
Mr Wilhite was excused from voting.
Those voting in the affirmative were
Messrs Rankin and Witter—2.
Those voting in the negative were
Messrs Steele, Scudder, Chaffee, Noteware, Whittemore, Crocker, Garcia, Barela, Chilcott and Mr Speaker—10.
Mr Wilhite offered an amendment to the first resolution, to insert in the third line the words, "Fanatical politicians and abolitionists of the North."
Ayes and nays being demanded, there were, Ayes—2. Nays—11.
Those voting in the affirmative were
Messrs Wilhite and Rankin—2.
Those voting in the negative were
Messrs Steele, Chaffee, Noteware, Whittemore, Witter, Crocker, Garcia, Barela, Chilcott and Mr Speaker—11.
The question recurring on the passage of resolution, there were
Ayes—11.
Nays—2.
Those voting in the affirmative were
Messrs Steele, Scudder, Chaffee, Noteware, Whittemore; Witter, Crocker, Garcia, Barela, Chilcott and Mr Speaker—11.
Those voting in the negative were
Messrs Wilhite and Rankin—2.

Mr Noteware, from committee on Military Affairs, reported, by bill,
A bill to prevent the sale of intoxicating liquors to soldiers, which was
Read first time.

There being no objections, the bill was
Read second time, by its title.

Mr Wilhite moved that the bill be ordered engrossed, and read a third time.
Lost.

Mr Rankin moved that the bill be recommitted to the committee on Military Affairs.
Carried.

Mr Witter, previous notice having been given, introduced
A bill for An act to suppress gambling and gambling houses, which was
Read first time.

There being no objections, the bill was
Read second time, by its title.

Mr Rankin moved that the bill be referred to a select committee of three.

Carried.

The Speaker announced as such committee, Messrs Rankin, Wilhite and Witter.

Mr Wilhite gave notice that he would, on to-morrow or some subsequent day, introduce

A bill for An act declaring certain roads in this Territory, Territorial roads.

Mr Rankin gave notice that on to-morrow or some subsequent day, he would ask leave to introduce

A bill for An act to regulate the interest on money.

The Printer elect, Edward Bliss, came forward and took the oath of office at the Speaker's desk.

Mr Wilhite moved that the House adjourn until ten o'clock to-morrow morning.

Carried.

Adjourned.

House of Representatives,
Sept. 17, 1861.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs Wilhite, Scudder, Noteware, Whittemore and Crocker.

A quorum being present,

The Journal of the previous day was read, corrected and approved.

Mr Rankin, from the select committee to whom was referred H. B. No. 6, a bill for "An act to suppress gambling and gambling houses,"

Reported the same back with amendments.

Mr Whittemore moved that the report be received and the committee discharged.

Carried.

Mr Witter moved that the bill be ordered printed,

And be made a special order for Saturday next, at 10 o'clock.

Carried.

Mr Noteware moved that when the House adjourns, it do adjourn to 2 o'clock P. M. to-morrow.

Carried.

Mr Witter, previous notice having been given, introduced

A bill for "An act to prevent prairies and timber from being set on fire, which bill by its title was

Read first time.

No objection being made, the bill was

Read second time, and

And on motion was
Referred to committee on County and County Lines.
Mr Scudder, previous notice having been given, introduced
A bill to change the name of James Lee Longbottom,
Read first time by its title.
Mr Rankin, previous notice having been given, introduced
A bill to regulate the interest on money, which was
Read first time by its title.
No objection being made, the bill was
Read second time.
Mr Noteware moved that the bill be
Referred to committee on Judiciary.
Carried.
Mr Wilhite, previous notice having been given, asked leave to introduce
A bill for "An act to fix the seat of government for Colorado Territory."
Objections being made, the
Ayes and nays being called for and ordered, on granting leave there were,
Ayes—8.
Nays—5.
Those voting in the affirmative were,
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore and Mr Speaker—8.
Those voting in the negative were,
Messrs Witter, Crocker, Garcia, Barela and Chilcott—5.
So leave was granted and the bill was introduced.
Mr Chaffee moved to lay the bill on the table.
The ayes and nays being called for and ordered, there were
Ayes—8.
Nays—5:
Those voting in the affirmative were,
Messrs Chaffee, Whittemore, Witter, Crocker, Garcia, Barela, Chilcott and Mr Speaker—8.
Those voting in the negative were,
Messrs Steele, Wilhite, Scudder, Rankin and Noteware—5.
So the bill was laid upon the table.
Mr Noteware moved that the House adjourn to 2 o'clock to-morrow afternoon.
The House adjourned to 10 o'clock A. M.

HOUSE OF REPRESENTATIVES,
September 18, 1861.

House met pursuant to adjournment, at 2 o'clock P. M.
Speaker in the chair.
Prayer by the Chaplain.
Roll called.

And all the members found present.

A quorum being present,

Journal of previous day was read and approved.

Mr Chaffee, from the committee on Banks and Incorporations, presented the following report:

Mr Speaker:

Your committee, to whom was referred the petition of the council of the city of Denver, and an accompanying charter, would respectfully recommend that the charter, as amended, become a law incorporating the city of Denver, at as early a date as possible.

J. B. CHAFFEE, Ch'n,
W. A RANKIN,
G. M. CHILCOTT.

Mr Noteware, from committee on Military Affairs, presented the following report:

Mr Speaker:

The Military Committee, to whom was recommitted the bill for An act to prevent the sale of intoxicating liquors to soldiers, would respectfully report that they have had the same under consideration, and would recommend that the fines arising under the same be appropriated to the use of common schools, and would further recommend that the bill be engrossed and ordered to its third reading, with this amendment.

J. H. NOTEWARE, Chairman.
DANIEL WITTER.
W. A. RANKIN.

Mr Scudder gave notice that he would on to-morrow or some subsequent day, ask leave to introduce

A bill for An act to confirm the action of the people within the limits of the present Territory, in establishing courts and recording offices in the absence of Territorial organization.

Mr Chilcott offered the following resolution:

Resolved, That the Secretary of the Territory be requested to have furnished to each member of the House ten copies of each of the weekly Denver newspapers, to be distributed among his constituents.

Carried.

Mr Chilcott offered the following resolution:

Resolved, That Mr Brassler be dismissed as the Spanish interpreter for this House, and that Mr Dominguez be engaged in his place.

Carried.

Mr Dominguez came forward and took the oath of office at the Speaker's desk.

Mr Crocker offered the following resolution:

Resolved, That the committee to whom was referred the petition of N. J. Bond, contesting the seat of D. Witter, be requested to report to-morrow morning.

Carried.

Mr Crocker offered the following resolution:

Resolved, That any committee of this House be authorized to em-

ploy a clerk, whenever they shall find it necessary for the transaction of any business that may be entrusted to them.

Mr Witter offered an amendment, that only the committee on Judiciary, Military Affairs, Ways and Means, and Territorial Affairs, be allowed to employ clerks, at a compensation not exceeding $3 per day.

The ayes and nays being called for and ordered on the amendment, there were

Ayes—2.

Nays—11.

Those voting in the affirmative were

Messrs Rankin and Witter—2.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker—11.

So the amendment was

Lost.

The question recurring on the original resolution, it was

Adopted.

Mr Crocker gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act incorporating the Tarryall and Arkansas River road company.

Mr Crocker gave notice that on to-morrow or some subsquent day, he would introduce

A bill for An act to dissolve the bonds of matrimony between A. H. Bateman and Ellen C. Bateman.

Mr Chilcott moved that the report of the committee on Military Affairs be received.

Carried.

Mr Wilhite gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to regulate the entries and disposal of town sites.

Mr Noteware moved that the report of committee on Military Affairs be adopted and engrossed.

Carried.

The bill to change the name of James Lee Longbottom, was

Read second time.

Mr Crocker moved that the bill be engrossed and ordered to a third reading.

Carried.

Mr Rankin moved that

H B No. 5, "A bill for An act to prevent the sale of intoxicating liquors to soldiers,"

Be considered engrossed,

And that Rule 28 be suspended, that the bill might be read a third time.

The ayes and nays being called for and ordered, there were

Ayes—6.

Nays—7.

Those voting in the affirmative were
Messrs Rankin, Noteware, Witter, Barela, Garcia and Chilcott—6.
Those voting in the negative were
Messrs Steele, Scudder, Chaffee, Whittemore, Crocker and Mr Speaker—7.
So the motion was
Lost.
The committee on Engrossment presented the following report:

Mr Speaker:

Your committee on Engrossment ask leave to report
H B No. 5 and H B No 10, as correctly engrossed.
G. M. CHILCOTT, Chairman.

H B No. 5, a bill for An act to prevent the sale of intoxicating liquors to soldiers, was
Read third time, by its title.
The question recurring on the final passage of the bill, there were
Ayes—9.
Nays—4.
Those voting in the affirmative were
Messrs Wilhite, Scudder, Rankin, Noteware, Whittemore, Witter, Barela, Garcia, Chilcott—9.
Those voting in the negative were
Messrs Steele, Chaffee, Crocker, Mr Speaker—4.
So the bill was
Passed.
Title agreed to.
Mr Noteware moved that the rules be suspended, that
H B No. 10, a bill for An act to change the name of James Lee Longbottom,"
Might be read a third time, and put upon its final passage.
Lost.
Mr Wilhite moved that the House adjourn to 10 o'clock to-morrow.
Carried.

HOUSE OF REPRESENTATIVES,
Sept. 19, 1861.

10 O'CLOCK, A. M.

House met pursuant to adjournment.
Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—Mr Crocker.
A quorum present.
Journal read and approved.
Mr Rankin, from a select committee, to whom was referred the

contested election case of N. J. Bond against Daniel Witter, asked for further time to prepare a report.

Mr Scudder moved that further time be granted.

Carried.

Mr Chilcott offered the following resolution:

Resolved, That the rules of the order of business be so amended that the 9th order be as follows, to-wit:

"9th, Introduction of and first reading of Bills," and that the numbers of the subsequent orders be changed to correspond, to-wit: No's. 10, 11, 12, 13, 14 and 15.

Adopted.

House bill No. 10, a bill for "An act to change the name of James Lee Longbottom," was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—12.

Nays—1.

Those voting in the affirmative were,

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia and Chilcott—12.

Those voting in the negative were,

Mr Speaker—1.

So the bill was passed and

Title agreed to.

The Assistant Secretary of the Council appeared and delivered the following message:

Message from the Council:

COUNCIL CHAMBER,
September 18th, 1861.

Mr. Speaker:

I am instructed to inform your honorable body, that the Council has passed H B No. 1, and amended the title as follows:

"By inserting after the word "style" in first line, the words "of the enacting clause,"

And respectfully request your concurrence therein.

Respectfully Yours,

S. L. BAKER, Secretary.

Mr Wilhite, previous notice having been given, introduced

A bill for "An act to regulate the entries and disposal of town sites, which was

Read first time by its title.

Mr Noteware moved that the House take up the 10th order of business.

Lost.

Mr Scudder, previous notice having been given, introduced

A bill for "An act to confirm the action of the people within the

limits of the present Territory, in establishing Courts and recording offices in the absence of Territorial Organization," which was

Read first time by its title.

Mr Crocker, previous notice having been given, introduced

A bill for "An act to dissolve the bonds of matrimony between Adam H. Bateman and Ellen C. Bateman," which was

Read first time by its title.

Mr Rankin moved to lay the bill on the table.

Lost.

House Bill No. 1, with Council amendment,

Was taken up.

The amendment from the Council was concurred in.

Mr Chaffee, on leave being granted, introduced

A bill for "An act to incorporate the City of Denver," which was

Read first time by its title.

Mr Witter offered the following resolution:

Resolved, That rule 33, of the House be so construed that after the House has gone through with all the rules ot order it shall be proper to bring up any business not prohibited by other rules of the House.

Adopted.

Mr Wilhite moved that

H B No. 15, a bill for "An act to charter and incorporate the City of Denver," be

Read second time.

Carried.

The bill was

Read second time, by its title.

Mr Crocker moved that the bill be

Referred to the committee of the Whole.

Carried.

Mr Scudder offered the following resolution:

Resolved, That M. C. Dominguez be appointed translator for this House.

Adopted.

Mr Rankin gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for "An act defining the political and corporate powers of organized counties and the duties of county officers."

Mr Wilhite gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for "An act relative to the disposal of unclaimed property."

Mr Chaffee gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act entitled "A general incorporating act."

The House went into committee of the Whole, on the bill incorporating the City of Denver.

Mr Crocker in the chair.

After some time spent therein, the committee rose, and through their chairman, Mr Crocker, submitted a report that the committee had had the bill under consideration, reported progress, and asked leave to sit again.

The House adjourned at 2 o'clock, P. M.

AFTERNOON SESSION.

2 O'CLOCK P. M.

House met pursuant to adjournment.

On motion of Mr Crocker,

The House again went into committee of the Whole, for the consideration of the bill for the incorporation of the city of Denver.

Mr Crocker in the chair.

After some time spent therein, the committee rose, and through their chairman, Mr Crocker, reported that they had had

H B No. 15, "A bill for An act to charter and incorporate the city of Denver,"

Under consideration, and would report the same back, with various amendments, and recommend that they be passed.

Mr Noteware moved that the bill, as amended, be ordered printed.

Carried.

Mr Holly gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to prohibit slavery or involuntary servitude, except for crime, in the Territory of Colorado.

Mr Wilhite moved that fifty copies of H B No. 15, be ordered printed.

Carried.

Mr Chaffee gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act relative to Notaries Public.

Mr Wilhite gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to protect the rights of married women.

Mr Wilhite gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act for securing liens to mechanics and others.

Mr Chilcott gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act empowering certain persons to erect and keep a mill dam across the Arkansas River near Canon City.

Mr Wilhite moved that the House adjourn to 10 o'clock to-morrow.

Carried.

House of Representatives, Sept. 20, 1861.

Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—Mr Willhite.
A quorum being present,
The Journal of the previous day was read, and approved.

Mr Rankin, from the select committee to whom was referred the contested election case of N. J. Bond against Daniel Witter, presented the following minority report:

To the House of Representatives of the Territory of Colorado:

The undersigned, chairman of the select committee to whom was referred the petition of N. J. Bond, setting forth the ground upon which he contests the seat of Daniel Witter, begs leave to make the following report:

Immediately after the appointment of your committee, the said Daniel Witter handed to the undersigned, as chairman of said committee, his answer to the petition of said Bond, as follows, to-wit:

To Messrs Rankin, Steele and Chilcott, special committee, to whom was referred the petition of N. J. Bond.

The undersigned, in answer to said petition, begs leave to represent as follows:

1st. That the said N. J. Bond is not eligible to any office in this Territory, he not having been a resident thereof at the time of the passage of the Organic Act, as required by its provisions; all of which may be proven by the statements of N. J. Bond himself and by numerous other witnesses.

2nd. That the said N. J. Bond is not a resident of the 9th Representative District, and that over four hundred out of the four hundred and forty-three were cast at precincts (to-wit: "Fairplay and Buckskin Joe) not in the said Ninth Representative District—which is proven by the proclamation of the Governor, giving the boundaries of said District.

3d. That at the French Gulch Precinct, upon which the said N. J. Bond founds his grounds of contest, only three votes were refused for him, which would still leave a majority for me over him of one vote, even if he were eligible and a resident of the said Ninth District. For proof whereof see the affidavit of two of the Judges ot the election at said precinct, herewith:

AFFIDAVIT OF W. S. WALKER AND G. W. ABBOTT,

JUDGES OF THE ELECTION AT FRENCH GULCH.

We, the undersigned, Judges of the election held in Lincoln City, Precinct No. 3, District No. 9, in Colorado Territory, on the 19th day of August, A. D., 1861, being duly sworn, say that at said election there were but three votes offered for N. J. Bond for Representative.

W. S. WALKER, Judge.
G. W. ABBOTT, Judge.

Subscribed and sworn to before Wm. S. Walker, Judge of Avalanche District, French Gulch, this the third day of September, A. D. 1861.

WM. S. WALKER, Judge.

The above answer was handed to the Attorney of said N. J. Bond, by the undersigned, on the day previous to that on which the case was brought before your committee. Your committee having been duly called together, the petition and evidence on the part of said Bond being read and duly submitted to your committee, Mr. Witter then read his answer and prepared to bring before the committee proof of the matter set forth therein; Whereupon the said Bond, by his Attorney, objected to the said Witter being allowed to bring any evidence whatever before the committee, because he (Witter) had not conformed strictly with the provisions of an act of Congress, defining the manner in which the seat of a member of the House of Representatives of the United States shall be contested, which act provides that a person desiring to contest the seat of a member of Congress shall, within thirty days, give such member a written notice, stating in full the ground upon which he will make the contest, and that the person receiving such notice shall, within thirty days thereafter, serve upon the party giving such notice an answer stating the ground upon which rests the validity of his election. Mr Witter contended that the act referred to was not intended either by Congress or the Organic Act to apply to cases of this kind, but simply to apply to members of the House of Representatives of the United States.

He further held that supposing this to be the law by which we were to be governed, he had on the day previous filed his answer with the committee which had been carefully perused by the Attorney of said Bond, and if this was not sufficient, he still had time within the thirty days to serve the notice. The same law also provides that all evidence shall be taken before some Judge of a United States' Court or some officer authorized under the laws of the United States to administer oaths, which provision was not complied with on the part of said Bond, although there was a United States' Commissioner in the immediate vicinity; the evidence presented by said Bond was taken before two men not known, or shown before your committee to hold any judicial office, and the said Witter offered to bring evidence before the committee to prove that one of the purported Judges was not as represented, even a Judge of a Miners' Court, but notwithstanding all this, a majority of your committee. The act referred to also provides that all evidence taken shall be sealed up by the Judge taking the same, and transmitted by mail to the Speaker of the House, which was not complied with on the part of said Bond—yet a majority of your committee was willing to receive all the evidence of said Bond, while they utterly refused to receive any whatever, on the part of Mr Witter; whereupon Mr Witter contended that if he was to be ruled to the strict letter of the law in giving the notice, that certainly Mr Bond should be held as strictly to the provisions of the same act, and he

asked that Mr Bond's evidence also be ruled out, which was also refused by a majority of your committee. Again Mr Witter claimed that he was prepared to prove that the said Bond was not eligible to the office, from the fact that he (Bond) was not a resident of the ninth district, and that he (Bond) only received twenty-two votes in said ninth district, and yet, the majority of your committee refused to hear any evidence whatever upon these points.

The said majority seemed to entertain the idea that your committee was a judicial tribunal, which should receive evidence only according to the strict rules of courts of law, from which opinion the undersigned would respectfully beg leave to dissent, believing it to be the duty of your committee to investigate the facts in the case by every means within their power, and report the result of their investigation to your honorable body, with such recommendations as they think proper. In view of the abovementioned facts, the undersigned would respectfully recommend that both parties be allowed to appear before your honorable body, that all the evidence in the case may be presented for your careful examination, and that we may arrive at some amicable adjustment of the case before us.

Respectfully,

W. A. RANKIN.

Mr Chilcott, from the same committee, presented the following majority report:

The select committee to whom was referred the petition of N. J. Bond, contesting the seat of Daniel Witter as Representative from the Ninth Representative District, of Colorado Territory, have had the same under consideration, together with the evidence presented therewith, and ask leave to submit the following report:

It appears from the official canvass of the votes cast for Representative from said District, at the election held on the 19th day of August, A. D. 1861, that the said N. J. Bond received four hundred and forty-three votes, and that the said Daniel Witter received four hundred and fifty votes, having a majority of seven votes over the said Bond, for Representative from said Ninth District.

It further appears to the undersigned members of your committee, from the evidence submitted to them, that on the 24th day of August last, the said Bond served a written notice upon said Witter, that he should contest his right to a seat in this House, upon the grounds that said election was illegally conducted by the judges thereof, at the precinct of French Gulch, in said District, by said judges refusing to receive the votes of legal voters who offered to cast their votes for the said Bond, which, had they been received, would have changed the result of the election in said District and given the majority of the legal votes to the contestant. Your committee further find from the evidence submitted to them, that at said election, R. R. Bartlee, A. W. Bartlee, Owen Doland, Chas. Cripner, C. Thule, H. R. Wolf and S. Houly, who were legal voters in the precinct of French Gulch, in said District, offered to cast their votes for said Bond for Representative from said District, but

that said judges refused to receive their votes, and that four of the said voters then and there voted for said Witter for Representative from said District.

Your committee further find that W. W. Belt, H. W. Shilinger, H. Hamen, Lucien Chatfield, H. C. Martin, T. H. Emperius, Jacob Berlin and Augustus Lange, legal voters in the said French Gulch Precinct, were at the place of holding said election, in said precinct of French Gulch, on the said 19th day of August, A. D. 1861, and that they would have then and there voted for the said Bond for Representative from said District, had they believed they would have been permitted to do so by said judges, but that they had seen other legal voters refused the privilege of voting for said Bond, and for that reason they did not offer to cast their votes for him at said election.

Your committee further find from the evidence of W. S. Walker and G. W. Abbott, judges of the said election, at the said precinct of French Gulch, that they did refuse votes then and there offered to them for said Bond, as Representative from said Ninth District, and that they should have refused all votes offered for him had there been fifty offered, as they supposed he was ineligible to the office of Representative.

Your committee are clearly of the opinion that the said judges in refusing to receive the votes of legal voters offered as aforesaid, were in error and acted without the authority or sanction of law, and had they permitted the said votes to have been cast, according to the will and wishes of the said voters, said Bond would have received a majority of at least twelve votes, over the said Witter for Representative from said District.

Objections were taken by Mr Witter to the admissibilty of the evidence for the contestant upon the grounds that said evidence was taken before a Judge of the Miner's court, instead of being taken before a United States Judge, or a United States officer.

But your comittee are of the opinion that said Miner's court is an institution of this country, and that said evidence, being taken in due form and upon proper notice, before a Judge of one of said Miner's courts is competent and sufficient, and that the objection to the same as aforesaid, is not well taken.

The foregoing embraces all the issues and points originally submitted to your committee, but the undersigned however, will further submit to your Honorable Body, that after the appointment of your committee and the submission of the case to them, together with all the papers therein then on file, they found in the committee room, in the possession of the chairman, what purports to be an answer to the petition of the contestant, but the consideration of that paper could raise new issues not originally submitted to your committee, and issues which if it were competent for the said Witter to raise in the committee room by simply handing papers to one of your committee without their having been first presented to the House and then referred to the committee, it would be equally competent for the contestant to submit like papers and raise

like issues at any time during the session of your committee and so on *ad infinitum.*

The undersigned did not therefore deem it their duty to act upon or consider other matters than those originally submitted to them at the proper time and through the proper channel.

Your committee would therefore submit the following resolutions:

Resolved, That Daniel Witter is not entitled to a seat in this House as Representative from the Ninth District.

Resolved, That N. J. Bond is entitled to a seat in this House as a Representative from the Ninth District.

G. M. CHILCOTT.
DAN'L STEELE.

Mr Crocker moved that the reports from the committee be received and the committee discharged.

Mr Wilhite moved that the majority report and the recommendation it contained be adopted.

Mr Rankin moved to lay the motion on the table.

The ayes and nays being called for and ordered, there were

Ayes—9.

Nays—3.

Those voting in the affirmative were Messrs Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia and Mr Speaker—9.

Those voting in the negative, were Messrs Steele, Wilhite and Chilcott—3.

So the motion was laid on the table.

Mr Crocker moved that the reports and the whole subject be referred to the committee of the Whole.

Mr Witter was called to the chair.

Mr Chilcott offered the following resolutions:

Resolved, That the statement made in yesterday's Daily Republican and Herald, purporting to be certain remarks made by the Speaker of this House on a point of order, are utterly unfounded and untrue.

Resolved, That the reflections of the same paper of the 18th inst., on the proceedings of this body are also untrue.

Mr Holly being called to order, for words spoken in debate, it was moved that he be allowed to proceed.

The ayes and nays being called for and ordered, there were,

Ayes—10,

Nays—2.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia and Chilcott—10.

Those voting in the negative, were

Messrs Scudder and Rankin—2

So the motion prevailed.

A division being called for on the resolution, and the ayes and nays being called for and ordered on the first resolution, there were
Ayes—10.
Nays—2.
Those voting in the affirmative, were
Messrs Wilhite, Scudder, Chaffee, Noteware, Whitemore, Witter, Crocker, Barela, Garcia and Chilcott—10.
Those voting in the negative were
Messrs Steele and Rankin—2.
So the resolution was
Adopted.

The Speaker was excused from voting.
The ayes any nays being called for and ordered on the second resolution, there were
Ayes—12.
Nays—1.
Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker—12.
Mr Rankin voted in the negative.
So the resolution was
Adopted.
Mr Chaffee offered the following resolution:

Resolved, That inasmuch as the article appearing in the Colorado *Republican* reflecting upon the dignity of the Speaker of this House is entirely untrue, the editor be requested to correct said statement by stating that no such remark as stated in yesterday's issue was made by the Hon. Speaker of the House of Representatives in regard to a point of order.

The ayes and nays being called for and ordered, there were
Ayes—7.
Nays—5.
Those voting in the affirmative were
Messrs Scudder, Rankin, Chaffee, Noteware, Barela, Garcia and Chilcott—7.
Those voting in the negative were
Messrs Steele, Wilhite, Whittemore, Witter and Crocker—5.
So the resolution was
Adopted.

Mr Chaffee, previous notice having been given, introduced
A bill for An act relative to Notaries Public, which was
Read first time.

Mr Chaffee moved that the bill relating to Notaries Public be read a second time and referred to the committee on Judiciary.
Carried.

The bill was
Read a second time by its title,
And so referred.

The bill for An act to regulate the entries and disposal of town sites, was

Read a second time by its title,

The bill for An act to confirm the action of the people within the limits of the present Territory, in establishing courts and recording offices, in the absence of Territorial organization, was

Read second time, by its title, and

On motion,

Referred to committee on Judiciary.

The bill for An act to dissolve the bonds of matrimony between A. H. Bateman and Ellen C. Bateman, was

Read second time.

Mr Noteware moved that the bill be referred to a special committee.

Carried.

The Speaker announced as such committee,

Messrs Noteware, Scudder and Chaffee.

Mr Wilhite moved that the contested election case be made the special order for this afternoon at 2 o'clock.

Carried.

Mr Barela offered the following resolution:

Resolved, That the Clerk of the House be requested to deliver to the Translator of this House, a copy of the Journal of the House on each day, the same as delivered to the Public Printer.

After some explanations, the resolution was

Withdrawn.

Mr Noteware, from the committee on Military Affairs, reported by bill,

A bill for An act to organize the militia, which was

Read first time.

Mr Chaffee moved that the rules be suspended, and the bill read a second time by its title.

Carried.

So the bill was

Read second time, by its title.

Mr Whittemore moved to refer the bill to the committee of the Whole.

Carried.

On motion of Mr Wilhite, the House adjourned to 2 o'clock P. M.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

House met pursuant to adjournment.

Speaker in the chair.

House went into committee of the whole on the reports from the special committee, to whom was referred the contested election case of N. J. Bond against Daniel Witter.

Mr Scudder in the chair.

After some time spent therein, the committee rose, and through their chairman, Mr Scudder, reported progress and asked leave to sit again.

Mr Chaffee moved to adjourn to 9 A. M., to-morrow.

The ayes and nays being called for and ordered, there were

Ayes—10.

Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were,

Messrs Rankin, Noteware and Crocker.

So the motion prevailed, and the House adjourned.

House of Representatives,
Saturday, September 21, 1861.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs Steele, Wilhite, Scudder and Chaffee.

Journal of the previous day was read and approved.

Mr Whittemore gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for "An act to authorize F. A. Stevens to turn the water of the Middle Fork of Swan River into Georgia Gulch."

Mr Rankin, previous notice having been given, introduced

A bill for "An act defining the political and corporate powers of organized counties and the duty of County officers, which was

Read first time.

Mr Rankin moved that the bill be

Read second time,

Ordered printed, and referred to committee of the Whole.

Carried.

The bill was read second time, by its title,

So ordered and so referred.

Mr Noteware moved that the House go into committee of the whole, upon the contested election case.

Carried.

Mr Noteware in the chair.

After some time spent therein, the committee rose, and through their chairman, Mr Noteware, reported that they had had the contested election case under consideration, and would report the same back without recommendation.

Mr Speaker resumed the chair.

Mr Rankin offered the following resolution:

Resolved, That Mr Witter be requested to bring and produce his evidence in this case, now before this body.

Ayes and nays being called for and ordered, there were
Ayes—7.
Nays—5.
Those voting in the affirmative were
Messrs Steele, Wilhite, Rankin, Noteware, Whittemore, Barela and Garcia.
Those voting in the negative were
Messrs Scudder, Chaffee, Crocker, Chilcott and Mr Speaker.
Mr Witter was excused from voting.
Mr Steele moved to reconsider the vote by which the resolution was passed.
Ayes and nays being called for and ordered, there were
Ayes—8.
Nays—4.
Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Chaffee, Whittemore, Crocker, Chilcott and Mr Speaker.
Those voting in the negative were,
Messrs Rankin, Noteware, Barela and Garcia.
Mr Witter was excused from voting.
So the resolution was reconsidered.
The question recurring on the adoption of the resolution,
The ayes and nays being called for and ordered, there were
Ayes—4.
Nays—8.
Those voting in the affirmative were,
Messrs Rankin, Noteware, Barela and Garcia.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Chaffee, Whittemore, Crocker, Chilcott and Mr Speaker.
Mr Witter was excused from voting.
So the motion was not adopted.
Mr Chaffee offered the following resolution:

Resolved, That this case be made the special order for Monday next, and that Daniel Witter and N. J. Bond be required to offer in writing all the evidence in this case, and that they rest the case with such evidence.

Mr Noteware moved that the contestant be allowed to speak to the resolution.

Ayes and nays being called for and ordered, there were,
Ayes—13.
Nays—none.
Those voting in the affirmative were,
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
Mr Wilhite offered the following as an amendment:
Resolved, That this House rescind all action heretofore taken in

this contested election case, between Messrs Witter and Bond, and that we will first take into consideration the number of votes legally cast in the Ninth District for the contestant, and decide that and no other question; and when this is settled, we will then investigate the subject of eligibility, and proceed forthwith to settle this matter by this House.

Mr Rankin raised a point of order that the amendment was out of order, because the mover to rescind did not vote for the matter to be rescinded.

The chair decided the point not well taken.

Mr Rankin appealed from the decision of the chair.

Ayes and nays being called for and ordered, there were

Ayes—9.

Nays—2.

Those voting in the affirmative, were

Messrs Steele, Willhite, Scudder, Chaffee, Noteware, Whittemore, Crocker, Garcia and Chilcott.

Those voting in the negative, were

Messrs Rankin and Barela.

Mr Witter was excused from voting.

The decision of the chair was sustained.

Mr Chaffee raised the point of order that the amendment of Mr Willhite was not an amendment.

The chair decided the point well taken.

Mr Willhite then moved his amendment as a substitute.

The ayes and nays being called for and ordered, there were

Ayes—6.

Nays—6.

Those voting in the affirmative were,

Messrs Steele, Willhite, Scudder, Rankin, Garcia and Chilcott.

Those voting in the negative were

Messrs Chaffee, Noteware, Whittemore, Crocker, Barela and Mr Speaker.

Mr Witter was excused from voting.

So the substitute was not adopted.

The question recurring on the resolution of Mr Chaffee, and

The ayes and nays being called for and ordered, there were

Ayes—5.

Nays—7.

Those voting in the affirmative were

Messrs Rankin, Chaffee, Noteware, Barela and Garcia.

Those voting in the negative were

Messrs Steele, Willhite, Scudder, Whittemore, Crocker, Chilcott and Mr Speaker.

Mr Witter was excused from voting.

So the resolution was not adopted.

Mr Steele moved that the majority report be adopted.

Mr Rankin moved to adjourn.

The ayes and nays being called for and ordered, there were
Ayes—4.
Nays—9.
Those voting in the affirmative were
Messrs Rankin, Whittemore, Witter and Garcia.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Crocker Barela, Chilcott and Mr Speaker.
So the House refused to adjourn.
The hour having arrived,
The special order of the day,
H B No. 6, a bill to suppress gambling and gambling houses,
Was taken up.
Mr Chaffee moved that the bill be made the special order fo Monday, at 2 P. M.
Carried.
Mr Noteware moved that Mr Bond be permitted to appear, b attorney or in person, and that Mr Witter be permitted to appea by attorney, in the contested election case pending before th House.
Carried.
W. P. Bacon appeared in behalf of the contestant, N. J. Bond
Mr Witter moved to adjourn to 2 P. M.
Ayes and nays being called for and ordered, there were
Ayes—11.
Nays—1.
Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Rankin, Noteware, Whittemore Witter, Barela, Garcia, Chilcott and Mr Speaker.
Mr Chaffee voted in the negative.

AFTERNOON SESSION.

2 O'CLOCK P. M.

Speaker in the chair.
The question recurring on the motion of Mr Steele, that the majority report be adopted, which motion was pending at the time o adjournment.
Messrs Hallett and Vail appeared as counsel for Daniel Witter the sitting member from the 9th District, and
Judge Bacon appeared on the part of N. J. Bond, contestant.
Mr Chaffee moved that the motion of Mr Steele be indefinitel postponed.
The ayes and nays being called for and ordered, there were
Ayes—7.
Nays—4.
Those voting in the affirmative were
Messrs Wilhite, Scudder, Chaffee, Noteware, Whittemore, Barela and Garcia.

Those voting in the negative were
Messrs Steele, Rankin, Chilcott and Mr Speaker.
So the motion was
Indefinitely postponed.
Mr Willhite offered the following resolution:

Resolved, That an additional standing committee be appointed, to be called a "committee on Indian Relations;" also on agriculture.

Adopted.
Mr Chaffee moved to adjourn to Monday, at 10 A. M.
The ayes and nays being called for and ordered, there were
Ayes—8.
Nays—4.
Those voting in the affirmative were
Messrs Willhite, Rankin, Chaffee, Whittemore, Witter, Barela, Garcia and Chilcott.
Those voting in the negative were
Messrs Steele, Scudder, Noteware and Mr Speaker.
Mr Crocker was absent.
So the House adjourned to Monday, 10 A. M.

House of Representatives,
Sept. 23, 1861.

10 o'clock A. M.

House met pursuant to adjournment.
Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—none.
Journal read and approved.
Mr Crocker, from the committee on Judiciary, reported various bills:
A bill for "An act concerning practice in civil cases."
A bill for "An act adopting the common law of England."
A bill for "An act regulating the mode of proceeding in replevin."
A bill for "An act regulating the mode of proceedings in attachment in the District Court."
Mr Chilcott moved that the report be received,
Mr Steele offered the following resolution:

Whereas, A large number of the people of this Territory hold just claims against the general government for fees as witnesses and jurors in criminal cases, for services as election messengers, for taking the census and on other accounts, which claims are still unsatisfied although it is understood proper appropriations have been duly made therefor, therefore be it

Resolved, By the Council and House of Representatives, That the proper officer and department, respectively be earnestly requested to

use every diligence to have all such claims for service thus rendered, or enforced, properly and satisfactorily settled.

Mr Rankin moved to lay the resolution on the table.

Ayes and nays been called for and ordered, there were

Ayes—10.

Nays—3.

Those voting in the affirmative were

Messrs Willhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Barela, Garcia and Chilcott—10.

Those voting in the negative were

Messrs Steele, Crocker and Mr Speaker—3.

So the resolution was laid on the table.

The bills reported by the committee on Judiciary were put on file

And Read first time by their titles.

A bill for An act concerning practice in civil cases.

A bill for An act adopting the common law of England.

A bill for An act regulating the mode of proceedings in replevin.

A bill for An act regulating the mode of proceedings in attachment, in the District Courts.

Mr Chilcott was called to the chair.

Mr Holly, previous notice having been given, introduced

A bill to prohibit slavery in the Territory of Colorado, which was

Read first time.

Mr Chaffee moved that the bill be laid on the table.

Mr Holly asked leave of the House to speak to the motion.

The ayes and nays being called for and ordered, on granting leave there were

Ayes—11.

Nays—1.

Those voting in the affirmative were

Messrs Steele, Willhite, Scudder, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia and Chilcott.

Mr Rankin voted in the negative.

Mr Holly was excused from voting.

So leave was granted.

The question recurring on the motion of Mr Chaffee, and

Ayes and nays being called for and ordered, there were

Ayes—7.

Nays—6.

Those voting in the affirmative were

Messrs Willhite, Scudder, Rankin, Chaffee, Whittemore, Witter and Garcia.

Those voting in the negative were,

Messrs Steele, Noteware, Crocker, Barela, Chilcott and Mr Speaker,

So the bill was laid on the table.

Mr Speaker resumed the chair.

Mr Noteware moved that the bills reported by committee on Judiciary be

Read a second time by their titles,

Ordered printed, and

Referred to the committee of the Whole.

Carried.

Whereupon the following bills were

Read second time,

So ordered, and so referred:

H B No. 19, a bill for An act concerning practice in civil cases.

H B No. 20, a bill for An act concerning the mode of proceeding in replevin.

H B No. 21, a bill for An act adopting the common law of England.

H B No. 22, a bill for An act regulating the mode of proceedings in attachment in District Courts.

The contested election case coming up under the order of unfinished business,

Mr Willhite moved that it be made the special order for this afternoon at 2 P. M.

Mr Chaffee moved to amend by inserting to-morrow at 10 o'clock, A. M.

Mr Willhite moved to amend by making it the special order after the 15th order of business.

The amendment of Mr Willhite prevailed, and the subject was so disposed of.

Mr Willhite, previous notice having been given, introduced

A bill for An act to create a lien in favor of mechanics and others.

Also, a bill for An act for the prevention and punishment of election frauds. Also,

A bill for An act to protect the rights of married women.

Mr Whittemore gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act to incorporate the Denver City and Bradford and Blue River Toll Road Company.

Mr Chilcott previous notice having been given, introduced

A bill for An act empowering certain persons to erect and keep a mill dam across the Arkansas River.

Mr Steele gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act incorporating the Blue River Mining Company.

Mr Crocker moved that the bills just introduced be

Read first and second time by their titles.

Carried.

The bills were:

H B No. 24, a bill for An act to protect the rights of married women.

H B No. 25, a bill for An act to create a lien in favor of mechanics and others

H B No. 26, a bill for An act for the prevention and punishment of election frauds.

H B No. 27, a bill for An act empowering certain persons to erect and keep a mill dam across the Arkansas River.

Which bills were

Read first and second time, and
Referred to committee on Judiciary.
The contested election case was then taken up.
Mr Rankin moved the adoption of the minority report.
Mr Chaffee moved that the motion be indefinitely postponed.
The ayes and nays being called for and ordered, there were
Ayes—6.
Nays—6.
Those voting in the affirmative were
Messrs Steele, Rankin, Chaffee, Whittemore, Barela and Garcia.
Those voting in the negative were
Messrs Wilhite, Scudder, Noteware, Crocker, Chilcott and Mr Speaker.
Mr Witter was excused from voting.
So the motion was
Lost.
The reading of the minority report was
Called for and so ordered.
The question recurring on the motion to adopt the minority report, and
The ayes and nays being called for and ordered, there were
Ayes—8.
Nays—4.
Those voting in the affirmative were
Messrs Scudder, Rankin, Chaffee, Noteware, Whittemore, Barela, Garcia and Crocker.
Those voting in the negative were
Messrs Steele, Wilhite, Chilcott and Mr Speaker.
So the motion prevailed.
Mr Whittemore offered the following resolutions:

Resolved, That the case of N. J. Bond, contesting the seat of Daniel Witter, be referred to a select committee of five, with instructions to give the whole matter a thorough investigation, taking into consideration the eligibility of Mr Bond, the votes rejected at French Gulch, what district the precincts at Fair Play and Buckskin Joe are in, and any other matter that they may consider as having a material bearing upon the case, and that said committee, if they deem it necessary, shall have the power to send for persons and papers.

Resolved, That said committee be instructed to report at the earliest day practicable.

Mr Chaffee raised a point of order that the resolution was not in order.
The chair decided the point not well taken.

Mr Scudder moved that the words "any other matter," in the resolution, be stricken out.
Mr Witter moved to amend the amendment by striking out the clause "any other matter that they may consider as having a material bearing upon the case."

The amendment was accepted, and

Ayes and nays being called for and ordered, there were,
Ayes—11.
Nays—1.

Those voting in the affirmative were,
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.
Mr Speaker voting in the negative.
So the amendment prevailed.
Mr Noteware moved to insert after the words "eligibility of Mr Bond," the words "and Mr Witter."
Carried.
The question recurring on the original resolution,
The ayes and nays being called for and ordered, there were
Ayes—11.
Nays—1.
Those voting in the affirmative were,
Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
Mr Rankin voting in the negative.
So the resolution was
Adopted.
The Speaker announced as the special committee,
Messrs Whittemore, Noteware, Crocker, Wilhite and Chaffee.
On motion,
The House adjourned to to-morrow, at 10 A. M.

HOUSE OF REPRESENTATIVES,
Sept. 24, 1861.

10 O'CLOCK, A. M.

House met pursuant to adjournment.
Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—Messrs Witter and Crocker.
A quorum present.
Journal read and approved.

Mr Chaffee, from the committee on Corporations, presented the following report:

To the Honorable Speaker of the House of Representatives of Colorado Territory:

Your committee to whom was referred House Bills No's. 3 and 4, would report that they have examined said bills and to House bill

No. 3, have amended several sections; struck out section 14, and added 4 sections, being sections 16, 17, 18 and 19.

To H B No. 4, amended section 1st and 8th and added two sections, being 18 and 19, and with these amendments would respectfully recommend the passage of the bills.

J. B. CHAFFEE, Chairman.
W. A. RANKIN.

I concur with the report, and would recommend adding a section to H B No. 3, prohibiting the sale of water in Nevada and Spring Gulches for ground sluicing.

W. A. RANKIN.

Mr Whittemore, from the special committee, to whom was referred the contested election case of N. J. Bond against Daniel Witter, presented the following report:

To the Honorable, the Speaker and House of Representatives of Colorado Territory:

Your committee to whom was referred the case of N. J. Bond, contesting the seat of Daniel Witter, as Representative from the 9th Representative District, beg leave to submit the following as their report:

N. J. Bond appeared before your committee and gave in evidence that he was not a resident of the Territory at the time of the passage of the Organic Act, having come into the Territory for the first time about the middle of May last; had intended to have come at an earlier day, and had in January commenced to arrange his business for that purpose.

Your committee requested the Governor to inform them what Pass was meant by the Utah Pass and what precincts were intended to be in the Ninth District, and were informed that what was known to him and intended in his proclamation as the Utah Pass, was that Pass between Tarryall and Breckinridge, and that Buckskin Joe and Fairplay were intended to be in 10th District, to make up the ratio of representation in said 10th District.

Your committee further find that votes were offered for N. J. Bond and refused by the Judges in French Gulch Precinct, three of which votes were afterward given for D. Witter.

Your committee therefore find that if the votes given at Buckskin Joe and Fairplay be not counted in the 9th District, and the vote of French Gulch be rejected, as illegal, which your committee recommend, that Daniel Witter has a majority of all the votes cast in said 9th District.

In view of the above facts, your committee would respectfully submit the following resolution:

Resolved, That Daniel Witter is the legal Representative from the 9th Representative District, and entitled to retain his seat in this House.

O. A. WHITTEMORE, Ch'n.
J. H NOTEWARE,
J. B. CHAFFEE,
GEORGE F. CROCKER,
E. S. WILHITE.

Mr Scudder moved that the report be received and the committee discharged.

Carried.

Mr Scudder moved the adoption of the report, and

The ayes and nays being called for and ordered, there were,

Ayes—12.

Nays—none.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Mr Witter was excused from voting.

So the report was

Adopted.

Mr Chilcott was called to the chair.

Mr Rankin gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to regulate fees of counties and county officers;

Also, a bill to regulate elections.

Mr Holly gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to incorporate the city of Gold Hill. Also,

A bill for An act to incorporate the city of Boulder.

Mr Speaker resumed the chair.

Mr Rankin offered the following resolution:

Resolved, That those of the members who have not passed over their certificates of election to the chief clerk, be now requested to do so.

Adopted.

Mr Chilcott gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act in relation to *sacas* (or ditches).

Mr Wilhite offered the following resolution:

Resolved, That the resolution heretofore adopted, requesting the appointment of a committee on Indian Relations and Agriculture, be repealed or rescinded.

Mr Witter offered the following joint resolution:

WHEREAS, In this Territory, in a large majority of the suits and controversies about mining claims, the amount claimed will exceed one hundred dollars; and whereas, delays in the hearing of such cases will be particularly prejudicial to the mining interests of the Territory; therefore,

Resolved, By the Council and House of Representatives of Colorado Territory, that Congress is hereby respectfully requested to so amend the Organic Act of this Territory, as to give Justices of the Peace and Probate or County Courts jurisdiction in matters of controversy, where the sum does not exceed three hundred dollars.

Mr Crocker moved that the resolution be referred to the committee on Judiciary.

Carried.

Mr Steele gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to protect settlers and occupants of public lands.

Mr Whittemore, previous notice being given, introduced

A bill for An act to incorporate the Denver, Bradford and Blue River Road Company, which was

Read first time by its title.

The bill was

Read a second time by its title,

Mr Crocker moved that the bill be referred to the committee on Incorporations.

Carried.

Mr Rankin moved that the report of the committee on Incorporations on

H B No. 3 a bill to incorporate the Consolidated ditch company,

And H B No. 4, a bill to incorporate the Blue River and Buffalo Flats ditch company, be received.

Carried.

Mr Chilcott moved that H B No. No. 3, be referred to a select committee.

Mr Rankin moved to lay the motion on the table, and

Ayes and nays being called for and ordered, there were

Ayes—5.

Nays—8.

Those voting in the affirmative were

Messrs Rankin, Chaffee, Witter, Crocker and Barela.

Those voting in the negative were

Messrs Steele, Wilbite, Scudder, Noteware, Whittemore, Garcia Chilcott and Mr Speaker.

So the motion to lay the motion on the table was

Lost.

Mr Crocker moved an amendment that the bill as amended by the committee, be ordered printed, and

Referred to the committee of the Whole.

The amendment prevailed, and the question was so disposed of.

Mr Scudder moved that

H B No. 4, a bill for An act to incorporate the Blue River and Buffalo Flats Ditch Company, be

Referred to the committee of the Whole.

Carried.

The House went into committee of the Whole on the special order,

H B No. 6, a bill for An act to suppress gambling and gambling houses.

Mr Scudder in the chair.

After some time spent therein the committee rose, and through their chairman, Mr Scudder, reported progress and asked leave to sit again.

Leave was accordingly granted, and

On motion,

House adjourned to 2 o'clock P. M.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

Speaker in the chair.

Mr Steele offered the following resolution:

Resolved, That the committee of the Whole be discharged from the further consideration of the bill, entitled an act to suppress gambling and gambling houses, and that the same be referred to the Judiciary committee.

Adopted,

And bill so referred.

Mr Scudder gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for an act to incorporate the Camp Weld and Denver City Ditch and Water Company.

Mr Scudder moved that

H B No. 11, a bill for An act locating the seat of government for Colorado Territory,

Be taken up.

Mr Crocker moved that the House adjourn to to-morrow, at 10 o'clock A. M.

The ayes and nays being called for and ordered, there were

Ayes—4.

Nays—8.

Those voting in the affirmative were

Messrs Whittemore, Crocker, Barela and Chilcott

Those voting in the negative, were

Messrs Steele, Willhite, Scudder, Rankin, Chaffee, Noteware, Garcia and Mr Speaker.

So the House refused to adjourn.

The question recurring on the motion of Mr Scudder, and the Ayes and nays being called for and ordered, there were

Ayes—7.

Nays—5.

Those voting in the affirmative were

Messrs Steele, Willhite, Scudder, Rankin, Chaffee, Noteware and Garcia.

Those voting in the negative were,

Messrs Whittemore, Crocker, Barela, Chilcott and Mr Speaker.

So the motion prevailed.

H B No. 11, a bill for An act to locate the seat of government for Colorado Territory, was

Read second time.

Mr Wilhite moved that the bill be referred to a committee of five.

Carried.

The chair announced as such committee,

Messrs Wilhite, Chilcott, Barela, Chaffee and Steele.

On motion of Mr Wilhite,

The House resolved itself into committee of the Whole, to consider

H B No. 4, a bill for An act to incorporate the Blue River and Buffalo Flats Ditch Company.

Mr Wilhite in the chair.

After some time spent therein, the committee rose, and through their chairman, Mr Wilhite, reported the bill back with various amendments.

On motion,

The report was received and committee discharged.

On motion,

The House adjourned.

House of Representatives,
September 25, 1861.

House met pursuant to adjournment, at 10 o'clock A M.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs Barela and Garcia.

A quorum being present.

The Journal of the previous day was read and approved.

Mr Scudder moved that the amendment, made in committee of the Whole on the previous day, to H B No 4, be adopted.

Carried.

Mr Scudder moved that the bill be engrossed and ordered to a third reading.

Carried.

Mr Scudder, previous notice having been given, introduced a bill to incorporate the Camp Weld and Denver City Ditch and Water Company, which was

Read first time by its title.

Mr Steele, previous notice having been given, introduced a bill for An act to protect settlers and occupants of public lands, which was

Read first time by its title.

Mr Crocker, previous notice having been given, introduced a bill for An act incorporating the Tarryall and Arkansas River road company, which was

Read first time by its title.

H B No 29, a bill for An act to incorporate the Camp Weld and Denver City water company, was

Read a second time by its title.

H B No 30, a bill for An act to protect settlers and occupants of public lands, was

Read second time, by its title,

H B N 31, a bill for An act incorporating the Tarryall and Arkansas River road company, was

Read second time, by its title.

Mr Chaffee moved that H B No, 29 be referred to the committee on Incorporations.

Carried.

Mr Chaffee moved that H B No 30 be referred to committee on Territorial Affairs.

Carried.

Mr Whittemore moved that H B No 31 be referred to committee on Incorporations.

Carried.

Mr Chilcott gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act to incorporate the Apex and Gregory wagon road company.

Mr Wilhite gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act defining the mode of laying out and establishing roads.

Mr Chilcott gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to establish a Territorial Road from Denver City to some *point in the Southern part* of the Territory.

Mr Chilcott gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act to establish a Territorial Road from Fort Wise to Hamilton, or some other point in the mountains.

Mr Crocker gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act to incorporate the Golden Gate and Gregory Road Company.

Mr Whittemore gave notice that on to-morrow, or some subsequent day, he would introduce

A Bill for An act to incorporate *the Park Junction, Georgia and* French Gulch Road Company.

Mr Steele gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act to incorporate the Rocky Mountain and Pacific wagon and railroad company.

Mr Chilcott was called to the chair.

Mr Holly gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act entitled an act to organize the Colorado Volunteers.

The Speaker resumed the chair.

Mr Wilhite gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act to provide for the partition of real estate.

Mr Chilcott offered the following resolution:

WHEREAS, The President of the United States, and the Governor of Colorado Territory, have recommended the observance of Thursday, the 26th inst., as a national fast: Therefore,

Resolved, That in order to evince our respect for the same; this House when it adjourns to-day, will adjourn until Friday morning, and that the members attend in a body the services of the Church, by its chaplain.

The resolution was adopted.

Mr Rankin moved to adjourn to 2 o'clock, P. M.

The ayes and nays being called for and ordered, there were

Ayes—1.

Nays—12.

Those voting in the affirmative were

Mr Rankin.

Those voting in the negative were,

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the motion was

Lost.

Mr Wilhite gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act to provide for recording contracts, relating to lands and for other purposes.

Mr Chaffee moved a call of the House.

A call of the House was ordered.

Mr Rankin was found absent, and the Sergeant-at-Arms dispatched for the absentee.

After some time spent under the call,

The Sergeant-at-Arms appeared and reported the absentee "*non est inventus.*"

The assistant Secretary of the Council appeared and delivered the following message:

COUNCIL CHAMBER,
Sept. 24, 1861.

Mr Speaker:

I am instructed to inform your honorable body that the Council has passed

H B No. 2, "Joint Resolutions on the Federal Government,"

With the following amendment:

By striking out, in fifth resolution, the words "utterly ignoring all former political classifications,"

And ask your concurrence therein.

S. L. BAKER, Secretary.

Mr Noteware moved that further proceedings under the call be dispensed with.

Carried.

Mr Chilcott, from the committee on Engrossment, reported that they had examined H B No. 4, and found it correctly engrossed.

H B No. 4 was taken up for its third reading.

Mr Crocker offered the following amendment:

"That the bill be amended by striking out section nine."

The ayes and nays being called for and ordered, there were

Ayes—5.

Nays—7.

Those voting in the affirmative, were

Messrs Whittemore, Witter, Crocker, Garcia and Chilcott.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Barela and Mr Speaker.

So the amendment was

Lost.

Mr Witter moved to amend by striking out the word "exclusive," wherever it occarred in the bill.

Mr Chaffee raised a point of order that the amendment was out of order on the third reading.

The chair ruled the amendment out of order.

Mr Witter moved that the vote by which H B No. 4 was engrossed and ordered to a third reading, be reconsidered.

The ayes any nays being called for and ordered, there were

Ayes—8.

Nays—4.

Those voting in the affirmative were

Messrs Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder and Chaffee.

So the vote was

Reconsidered.

The question recurring on the adoption of the motion which was reconsidered, and

The ayes and nays being called for and ordered, there were

Ayes—6.

Nays—6.

Those voting in the affirmative were,

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware and Barela.

Those voting in the negative were

Messrs Whittemore, Witter, Crocker, Garcia, Chilcott and Mr Speaker.

So the motion was

Lost.

Mr Witter moved to amend the bill by striking out the word "exclusive," wherever it occurred in the first section.

Ayes and nays being called for and ordered, there were,
Ayes—5.
Nays—6.
Those voting in the affirmative were,
Messrs Whittemore, Witter, Crocker, Barela and Garcia.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Chaffee, Noteware and Mr Speaker.
So the amendment was
Lost.
Mr Wilhite gave notice that on to-morrow or some subsequent day, he would introduce
A bill for An act to facilitate the settlement of the estate of deceased partners.
Mr Wilhite gave notice that on to-morrow, or some subsequent day, he would introduce
A bill for An act containing several provisions regarding landlords, tenants, lessors and lessees.
Mr Wilhite gave notice that on to-morrow, or some subsequent day, he would introduce
A bill for An act for the formation of limited partnership.
Mr Crocker moved a call of the House.
The call was ordered.
Mr Rankin was found absent, and the Sergeant-at-Arms dispatched after the absentee.
Mr Chaffee moved to adjourn to 2 o'clock P. M.
The ayes and nays being called for and ordered, there were
Ayes—8.
Nays—4.
Those voting in the affirmative, were
Messrs Wilhite, Scudder, Whittemore, Witter, Crocker, Barela, Garcia and Chilcott.
Those voting in the negative, were
Messrs Steele, Chaffee, Noteware and Mr Speaker.
So the House adjourned to 2 o'clock P. M.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

Speaker in the chair.
Mr Witter moved that further proceedings under the call, pending at the time of adjournment, be dispensed with.
Carried.
Mr Witter moved that
H B No. 4, a bill for An act to incorporate the Blue River and Buffalo Flats ditch company,
Be taken up,

And made the special order for the day.
Ayes and nays being called for and ordered, there were
Ayes—11.
Nays—2.
Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker.
Those voting in the negative were,
Messrs Rankin and Crocker.
So the motion prevailed.
The Assistant Secretary of the Council appeared and delivered the following message:

Message from the Council:

COUNCIL CHAMBER,
September 25th, 1861.

Mr. Speaker:

I am instructed by the Council to inform your honorable body of the passage of the following bills:

H B No. 5, "An act to prevent the sale of intoxicating liquors to soldiers."

Also, H B No. 10, "An act to change the name of James Lee Longbottom."

Also, C B No, 5, "An act concerning fraudulent conveyances and contracts relative to real and personal property,"

And ask your concurrence therein.

Respectfully Yours,

S. L. BAKER, Secretary.

Mr Noteware offered the following as an additional section to the House Bill No. 4:

The said ditch company shall, at all times, be compelled to furnish water to miners or mills, at the rate specified in their charter, whenever they have water in their ditch unsold."

The amendment was

Adopted.

Mr Noteware moved that the bill be printed.

Carried.

Mr Crocker offered the following as an additional section.

"The said company shall not be allowed or authorized under any of the provisions of this act to divert the water of any stream from its natural channel, when it is needed in the natural channel for mining purposes."

The section was

Adopted.

Mr Witter offered the following as an additional section:

"Nothing in this act shall be so construed as to prevent the Legislature at any time from altering or amending or repealing this charter."

The section was

Adopted.

Mr Witter moved that the bill be laid on the table until it was printed.

Carried.

The committee on enrollment reported that they had examined House Bill No. 1, an act to designate the style of the enacting clause of the Legislative acts of Colorado Territory, and found it correctly enrolled.

Mr Noteware, from the select committee, to whom was referred H B No. 14, presented the following report:

House of Representatives,
September 25, 1861.

Mr Speaker:

Your committee to whom was referred

H B No. 14, an act to dissolve the bonds of matrimony between A. H. Bateman and E. C. Bateman,

Have had the same under consideration, and beg leave to submit the following report:

It is the opinion of your committee that subjects of this character should be confined to the courts, as the proper tribunal for the disposal of such subjects. We have had before us persons who have testified in regard to the manner, in which Adam H Bateman has treated his wife, Ellen C. Bateman, and we are satisfied that the case has been one of tyrannical oppression and cruelty, and further, we believe that the said Adam H. Bateman has left his wife with the intention ot deserting her. In view of the facts and for the further reason that there is no law at present by which divorces can be obtained, your committee would recommend that H B No. 14, be put upon its passage and become a law.

J. H. NOTEWARE, Chairman.
J. B. CHAFFEE.
EDWIN SCUDDER.

On motion,

The report was received and committee discharged.

Mr Crocker moved the adoption of the report.

Ayes and nays been called for and ordered, there were

Ayes—12.

Nays—1.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Mr Rankin.

H B No. 14, a bill for An act to dissolve the bonds of matrimony between A. H. Bateman and Ellen C. Bateman, was

Read third time.

Mr Rankin moved that the evidence in this case be read.

Lost.

The question recurring on the final passage of the bill, there were

Ayes—11.
Nays—2.
Those voting in the affirmative were
Messrs Willhite, Scudder, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative, were
Messrs Steele and Rankin.

Carried.

So the bill passed, and the
Title agreed to.

Mr Willhite moved the House adjourn to Friday at 10 A. M.
Carried.

HOUSE OF REPRESENTATIVES,
Sept. 27, 1861.

Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—Mr Chaffee.
A quorum being present,
Journal of Wednesday was read and corrected.
Mr Steele, from the committee on Agriculture, presented the following report:

Mr Speaker:

Your committee on Agriculture, to whom was referred

H B No. 7, An act to prevent prairies and timber from being set on fire,

Beg leave most respectfully to report:

That they have examined said bill, and return it, recommending its immediate passage, (in order to protect the grass for winter feed) with the following amendments:

Strike out section 3, and insert, in lieu thereof, as follows:

"Nothing in this act shall be construed to apply to any person who may, in the months of March and April set fire to the grass upon his own claim or premises, or upon public lands, unclaimed or unoccupied, which fire he shall keep within proper control, and prevent from doing injury or damage to the property of others."

Also insert another section, as follows:

"Sec. 4. That in case any person shall set fire to the grass of any prairie, timber or forest, either through carelessness, malice or wilfulness, he shall be liable to the parties (if any) who are damaged thereby, to the whole amount of said damage and costs, to be re-

covered by an action at law, in the form usual in suits for damage."

Also change "section 4" to "section 5."

DANIEL STEELE,
G. M. CHILCOTT.
JESUS M. BARELA.
Committee on Agriculture.

H B No. 2, Joint Resolutions relative to the Federal Union, with Council amendment,

Was taken up.

Mr Chilcott was called to the chair.

Mr Holly moved that the House adhere.

The motion was withdrawn.

Mr Holly moved that the House disagree to the amendment.

The ayes and nays being called for and ordered, there were

Ayes—7.

Nays—6.

Those voting in the affirmative were

Messrs Steele, Scudder, Noteware, Crocker, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Wilhite, Rankin, Chaffee, Whittemore, Witter and Barela.

So the motion prevailed.

Mr Crocker offered the following resolution:

Resolved, That the rules of the House be amended by adding the following section:

That hereafter no bill shall be introduced into this House for an act incorporating any private company or corporation,. unless the same is printed in bill form, and thirty copies of the same furnished to the clerk of the House, at the expense of the party applying for the act.

Mr Holly moved to amend,

By striking out the word "hereafter," and insert "on and after Monday next."

Mr Chaffee offered the following amendment to the amendment:

"To include all bills now in the possession of the House, and hereafter presented."

The last amendment was

Not adopted.

The first amendment was

Not adopted.

The original resolution was

Adopted.

Mr Holly gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to incorporate the Boulder City lumbering company.

Mr Steele gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act concerning lost goods and estrays.

Mr Noteware gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to prescribe the legal rate of interest of money.

Also, a bill for An act concerning imprisonment for debt and sequestration of property before judgment.

Also, of a bill for An act to dissolve the bonds of matrimony between Joseph T. Musser and Esther Ann Musser.

Mr Crocker offered the following resolution:

Resolved, That no action be taken on any bill before the House for an act incorporating any private company or corporation, until the same is printed in bill form, and thirty copies of the same furnished to the clerk of the House, at the expense of the party applying for the act.

Ayes and nays being called for and ordered, there were

Ayes—10.

Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela and Garcia.

Those voting in the negative were

Messrs Scudder, Chilcott and Mr Speaker.

So the resolution was

Adopted.

Mr Scudder gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act for the election of Police Magistrates in towns and cities.

C B No. 5, a bill for An act concerning fraudulent conveyances and contracts relative to real estate, was

Read first time by its title.

Mr Holly, previous notice having been given, introduced

A bill for An act to organize the Colorado Volunteers, which was

Read first time, by its title.

Mr Rankin introduced

A bill for An act defining the powers of towns, and the duties of town officers, which was

Read first time, by its title.

Mr Crocker moved that

H B No. 7, a bill for An act to prevent prairies and timber from being set on fire,

Be ordered printed, and

Referred to committee of the Whole.

Carried.

The Speaker resumed the chair.

Mr Wilhite moved that the report of the committee on Agriculture be adopted.

Carried.

H B No. 32, a bill for An act to organize the Colorado Volunteers,

Read second time, by its title.

H B No. 33, a bill for An act defining the powers of towns, and the duties of town officers,

Read second time, by its title.

On motion,

H B No. 32, was

Referred to committee on Military Affairs.

On motion,

H B No. 33, was

Referred to committee on Towns and Counties.

C B No. 5, a bill for An act concerning fraudulent conveyances and contracts relative to real estate, was

Read second time, by its title, and

Referred to the committee on Judiciary.

Mr Chaffee moved to take up H B No. 4.

Carried.

Mr Crocker moved to strike the words, "in Legislature assembled, the Governor approving," from the first section.

Carried.

Mr Crocker moved to strike out all after the word "measurement," in section one.

Lost.

Mr Witter moved that the word "exclusive," in the sixth line of the first section, be stricken out.

The ayes and nays being called for and ordered, there were

Ayes—4.

Nays—9.

Those voting in the affirmative, were

Messrs Rankin, Whittemore, Witter and Barela.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Crocker, Garcia, Chilcott and Mr Speaker.

So the amendment was not adopted.

Mr Wilhite moved to strike out the word "twenty" in the 29th line of section 1, and insert "ten."

Carried.

Mr Crocker moved to strike outthe word "exclusive" in lines 13 and 14 of section 1.

The ayes and nays being called for and ordered, there were

Ayes—10.

Nays—3.

Those voting in the affirmative were

Messrs Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Steele, Wilhite and Scudder.

So the motion prevailed.

Mr Rankin moved that the bill be indefinitely postponed.

The ayes and nays being called for and ordered, there were

Ayes—2.

Nays—11.

Those voting in the affirmative were
Messrs Scudder and Rankin.
Those voting in the negative were
Messrs Steele, Wilhite, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
So the motion was
Lost.

Mr Crocker moved to strike out the word "northwardly" in line 24, section 1, and insert the word "southwardly."
Carried.

Mr Witter moved to add the following proviso to section 1:
"*Provided*, That nothing in this section shall be so construed as to prevent miners, mill men and others along the line of said ditch, from obtaining a supply of water from a ditch of their own construction, or from any other source."
Lost.
Mr Noteware moved that section 20 be stricken out.
The motion was withdrawn.
Mr Rankin moved that section 9 be stricken out.
Mr Witter raised to a point of order, that the same motion had once been voted down by the House.
The chair decided the point of order well taken.
Mr Witter moved to strike out the word "twenty-five" in lines 3 and 4 in section 12, and insert the word "five."
Lost.
Mr Crocker moved to strike out all after the word "exhausted," in line 3 section 13.
Mr Noteware moved to amend by striking out all of section 13.
The ayes and nays being called for and ordered, there were,
Ayes—7.
Nays—6.
Those voting in the affirmative, were
Messrs Rankin, Chaffee, Noteware, Crocker, Barela, Garcia, and Chilcott.
Those voting in the negative, were
Messrs Steele, Wilhite, Scudder, Whittemore, Witter and Mr Speaker.
So the motion prevailed, and the pending motion was disposed of accordingly.
Mr Noteware moved to strike out section 20.
Carried.
Mr Rankin offered the following, to take the place of section 20:
"That a failure on the part of the company to comply with the provisions of this act shall be a forfeiture of this charter."
Adopted.
The ayes and nays being called for and ordered, there were
Ayes—5.
Nays—8.
Those voting in the affirmative were,
Messrs Scudder, Rankin, Witter, Crocker and Mr Speaker.

Those voting in the negative, were.

Messrs Steele, Wilhite, Chaffee, Noteware, Whittemore, Barela, Garcia and Chilcott.

Mr Rankin offered the following as an additional section:

"That the liabilities of said company shall not at any time exceed five thousand dollars."

Lost.

Mr Noteware moved that the bill be considered engrossed and ordered to its third reading.

Carried.

H B No. 4, a bill for An act to incorporate the "Blue River and Buffalo Flats ditch company," was

Read third time by its title.

The question recurring on the final passage of the bill, there were

Ayes—10.

Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Barela, Garcia, Chilcott and Mr Speaker—10.

Those voting in the negative were

Messrs Rankin, Witter and Crocker—3.

So the bill passed and

Title agreed to.

Mr Rankin, previous notice having been given, introduced

A bill for An act regulating the fees of officers, jurors and witnesses.

Mr Wilhite, previous notice having been given, introduced

A bill for An act to provide for the partition of real estate.

Mr Rankin moved to adjourn to 2 P. M.

The ayes and nays being called for and ordered, there were

Ayes—8.

Nays—5.

Those voting in the affirmative were

Messrs Steele, Wilhite, Chaffee, Noteware, Whittemore, Witter, Barela and Garcia—8.

Those voting in the negative were,

Messrs Scudder, Rankin, Crocker, Chilcott and Mr Speaker—5

So the motion prevailed.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

Speaker in the chair.

Mr Chaffee moved to take up

H B No. 3, a bill to incorporate the Consolidated ditch company.

The House then resolved itself into committee of the Whole, for the consideration of H B No. 3.

Mr Scudder in the chair.

After some time spent therein the committee rose, and through their chairman, Mr Scudder, reported progress and asked leave to sit again on next Thursday at 10 o'clock A. M.

The report was received and leave was accordingly granted.

The Assistant Secretary of the Council appeared and delivered the following message:

Message from the Council:

COUNCIL CHAMBER,
Sept. 27, 1861.

Mr Speaker:

I am instructed to inform your honorable body that the Council has passed

C B No. 3, "An act to incorporate the Enterprise wagon road company,"

And ask your concurrence therein.

S. L. BAKER, Secretary.

Mr Crocker moved that C B No. 3, lay on the table until printed, according to the resolution passed this morning.

Mr Wilhite, from the committee on Enrollment reported that they had examined

H B No. 10, "An act to change the name of James Lee Longbottom," and

H B No. 5. "An act to prevent the sale of intoxicating liquors to soldiers,"

And found them correctly enrolled.

On motion,

House adjourned to Monday, at 10 o'clock, A. M.

HOUSE OF REPRESENTATIVES,
September 30, 1861.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs Whittemore and Witter.

A quorum being present.

The Journal of Friday's proceedings was read and approved.

Mr Noteware presented a petition from citizens of Gregory and Enterprise Districts, praying for the passage of a law confirming the action of the people and the miner's courts.

The petition was laid on the table.

Mr Crocker, from committee on Judiciary, presented the following report:

To the Hon. Speaker and members of the House of Representatives:

Your committee on Judiciary would report, that they find H B No. 8 defective, and would recommend the accompanying "bill for

An act entitled An act to prescribe the rate of interest," as a substitute.

Also, that they have examined House bill No. 25, and would report that they do not deem it advisable to give a lien to sub-contractors, and also, that said bill is defective in form; and therefore report the accompanying bill, entitled "An act to create a lien in favor of mechanics, in certain cases", as a substitute.

Your committee are of opinion that the passage of H B No. 24, would not be for the interest of the Territory, and recommend that the same be indefinitely postponed.

Your committee find H B No. 27 defective, and recommend that the same be indefinitely postponed.

Your committee also report herewith,

A bill for An act entitled An act concerning criminal jurisprudence. Also,

A bill for An act entitled An act regulating practice in chancery cases.

Respectfully,
GEORGE F. CROCKER, Ch'n.
J. B. CHAFFEE,
EDWIN SCUDDER.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TER.
Denver, September 28, 1861.

To the Speaker of the Legislative Assembly of Colorado Territory:

SIR:—I have approved and signed the following acts:

An act to change the name of James Lee Longbottom.

An act to designate the style of the enacting clause of the Legislative Acts of the Territory of Colorado.

An act to prevent the sale of intoxicating liquors to soldiers.

Very respectfully,
WILLIAM GILPIN,
Governor of Colorado Territory.

Mr Noteware moved that the report from the committee on Judiciary be received.

Carried.

Mr Noteware moved that

H B No. 25, a bill for An act to create a lien in favor of mechanics and others,

Be ordered printed.

Carried.

Mr Rankin moved that the substitute introduced by the committee on Judiciary, be ordered printed.

Mr Whittemore gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act for the protection of farmers, gardeners and ranchmen.

H B No. 34, a bill for An act regulating the fees of officers, jurors and witnesses, was

Read first time by its title.

H B No. 35, a bill for An act to provide for the partition of real estate, was

Read first time by its title.

Mr Noteware, previous notice having been given, introduced

A bill for An act concerning imprisonment for debt, and sequestration of property before judgment, which was

Read first time by its title.

Mr Rankin asked leave to introduce a bill.

Leave was granted, and accordingly

H B No. 37, a bill for An act to prevent and punish armed invasion into this Territory,

Was introduced, and

Read a first time.

H B No. 34, was

Read a second time by its title,

H B No. 35, was

Read second time, by its title.

H B No. 36, was

Read second time, by its title.

H B No. 37, was

Read second time, by its title.

Mr Chaffee moved that H B No's 34, 35, 36 and 37, be referred to committee on Judiciary.

Carried.

Mr Rankin moved that

H B No. 15, a bill for An act to incorporate the city of Denver,

Be taken up,

And read by sections.

Mr Chaffee moved to amend, that the bill be considered engrossed and ordered to a third reading.

The motion to amend was withdrawn.

The motion of Mr Rankin prevailed, and the bill was accordingly taken up.

Mr Witter moved to amend art. 1, sec. 5, line 2, by adding after the word "age," the words "and legal voters under the laws of this Territory."

Adopted.

Mr Wilhite moved to strike off the termination "men" from the word "Councilmen" in line two of section 4 of art 1.

Adopted.

The assistant Secretary of the Council appeared and delivered the following message:

Message from the Council:

COUNCIL CHAMBER,
September 28th, 1861.

Mr. Speaker:

I am instructed to inform your honorable body that the Council has passed

C B No. 6, "An act to organize the militia,"
And ask your concurrence therein.
Also, that the Council recede from their amendment in
H B No. 2, "Joint Resolutions on the Federal Government."

S. L. BAKER, Secretary.

Mr Wilhite moved to strike out the words "the mayor," and insert in lieu thereof, the word "ordinance" in line three of section 3 of article 2.

Adopted.

Mr Witter moved to strike out the words "at such time and in such manner as shall be fixed by ordinance and," in lines one and two of section 3 of article 2.

Adopted.

Mr Chaffee moved that section 3 of article 2 be struck out.

Carried.

Mr Chaffee moved to strike the termination "men" from the word "Councilmen," in line two of section 1 of article 4.

Adopted.

Mr Crocker moved to strike out the words "five miles of," in line four of section 9 of article 4.

The ayes and nays being called for and ordered, there were

Ayes—2.

Nays—11.

Those voting in the affirmative were

Messrs Whittemore and Crocker.

Those voting in the negative, were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Witter, Barela, Garcia, Chilcott and Mr Speaker.

So the motion was

Not adopted.

Mr Wilhite moved to unite sections 2, 3 and 4 of article 5.

Mr Rankin moved to lay the motion on the table.

Carried.

Mr Crocker moved that section 5 of article 5 be stricken out.

Carried.

Mr Chaffee moved to insert after the word "Councilman," in line two, of section 13 of article 4, the words "and recorder," and in the same section strike out the words "end of the session of the Council, which shall occur next after a vacancy," and insert in lieu thereof the words "next regular election."

Adopted.

Mr Witter moved to strike out the word "fifty" in line three of section 6, of article 5, and insert the word "twenty."

Ayes and nays being called for and ordered, there were

Ayes—11.

Nays—2.

Those voting in the affirmative were

Messrs Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative, were
Messrs Steele and Wilhite.
So the motion passed.
Mr Chaffee moved to strike out all of section 8 of article 5, after the word "otherwise" in line 2, and insert the words "a special election shall be called by proclamation of the Mayor, giving ten days notice thereof, to fill such vacancy."
Lost.
Mr Scudder moved to reconsider the vote by which H B No 15
Was taken up.
Ayes and nays being called for and ordered, there were,
Ayes—10.
Nays—3.
Those voting in the affirmative were,
Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Witter, Crocker, Barela, Garcia and Chilcott.
Those voting in the negative were
Messrs Rankin, Chaffee and Mr Speaker.
So the vote was reconsidered.
Mr Witter moved to lay the motion, which was reconsidered, on the table.
Carried.
Mr Scudder moved that
H B No. 15, be referred to a special committee of three.
Carried.
The chair announced as such committee,
Messrs Scudder, Witter and Steele.
Mr Wilhite, previous notice having been given, introduced
A bill for An act to facilitate the settlement of the estates of deceased persons.
Mr Steele, previous notice having been given, introduced
A bill for An act concerning lost goods and estrays.
Mr Crocker, from the committee on Judiciary, presented the following report:

Mr Speaker:

The committee on Judiciary to whom was referred H B No. 37, would recommend to amend by the adoption of an additional section accompanying the bill, and that the rules be suspended and the bill passed to its third reading.

GEO. F. CROCKER, Chairman.

Report was received and adopted.
Mr Rankin moved that the rules be suspended, that it be considered engrossed and ordered to its third reading.
Carried.
H B No. 37, a bill to prevent and punish armed invasion, was
Read third time.
The question recurring on the final passage of the bill, there were
Ayes—12.
Nays—1.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia and Chilcott

Mr Speaker voting in the negative.

So the bill passed, and

Title agreed to.

Mr Wilhite moved to adjourn to 2 P. M.

The ayes and nays being called for and ordered, there were

Ayes—9.

Nays—4.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Chaflee, Whittemore, Witter, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Rankin, Noteware, Crocker and Mr Speaker.

The House adjourned accordingly.

AFTERNOON SESSION.

2 O'CLOCK P. M.

Speaker in the chair.

Mr Crocker moved that H B No. 40, and H B No. 41, be

Read first and second time.

Carried.

H B No. 40, a bill for An act regulating practice in chancery cases, and

H B No. 41, a bill for An act concerning criminal jurisprudence, were

Read first and second time, by their titles, and

Referred to the committee of the Whole.

Mr Witter moved that

H B No. 7, a bill for An act to prevent prairies and timber from being set on fire,

Be taken up,

And read by sections.

Mr Crocker moved that the bill lay on the table.

Carried.

Mr Crocker moved that

C B No. 3, a bill for An act to incorporate the "Enterprise wagon road company," be

Read first and second time.

Carried.

C B No. 3, was

Read first and second time, and

Referred to committee on Incorporations.

Mr Crocker moved that

C B No 6, a bill for An act to organize the militia,

Be taken up, and
Read first and second time.
Carried.
C B No. 6, was accordingly
Read first and second time by its title, and
Referred to committee of the Whole.
Mr Witter was called to the chair.
Mr Holly gave notice that on to-morrow, or some subsequent day, he would introduce
A bill for An act for a general incorporation law.
Mr Wilhite moved to reconsider the vote by which
H B No. 37, a bill for An act to prevent and punish armed invasion into this Territory, was
Passed.
The Assistant Secretary of the Council appeared and delivered the following message:

Message from the Council:

COUNCIL CHAMBER,
Sept. 30, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed
C B No 16, "An act to dissolve the bonds of matrimony between Gertrude W. Owens and William F. Owens," and ask your concurrence therein.

S. L. BAKER,
Sec. of the Council.

The vote by which H B No. 37 passed was reconsidered.
The question recurring on the final passage of the bill, there were
Ayes—0.
Nays—11.
Those voting in the affirmative were—0.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Rankin, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
So the bill did not pass.
Mr Wilhite moved to reconsider the vote by which the bill was ordered to a third reading.
Carried.
Mr Rankin moved that the bill be
Referred to the committee on Judiciary.
Carried.
Mr Wilhite moved that H B No 20, a bill for an act to protect the rights of married women,
Be taken up.
Mr Crocker moved that the bill be indefinitely postponed.
Carried.

On motion of Mr Scudder, the House resolved itself into committee of the Whole for the consideration of C B No. 6, a bill for An act to organize the militia.

Mr Scudder in the chair.

After some time spent therein, the committee rose, and through their chairman, Mr Scudder, reported that they had had C B No. 6 under consideration, and would recommend that the bill should not become a law.

Mr Chaffee moved a call ot the House.

A call of the House being ordered, and Mr Noteware found absent, the Sergeant-at-Arms was dispatched for the absentee.

After some time spent under the call, Mr Noteware appeared and took his seat.

Mr Rankin moved that further proceedings under the call be dispensed with.

Carried.

The recommendation of the committee of the Whole was not concurred in.

Mr Witter moved that the report of the committee of the Whole be received, and the bill be referred to the committee on Military Affairs.

Mr Wilhite asked leave to introduce a bill for the incorporation of the city of Denver.

Leave was not granted.

Mr Wilhite gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to incorporate the city of Denver.

Mr Crocker gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act concerning warrants of cities and towns.

Mr Chilcott gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to incorporate Canon City.

Mr Chilcott gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to incorporate the town of Pueblo.

Mr Rankin gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to regulate proceedings under a writ of habeas corpus.

Mr Crocker moved that the substitute for H B No. 8, be read a first and second time.

Carried.

Substitute for H B No. 8, a bill for An act to prescribe the rate of interest, was

Read first and second time by its title, and

Referred to the committee of the Whole.

Mr Willhite, previous notice having been given, introduced

A bill for An act to provide for recording contracts relating to and, and for other purposes,

Mr Noteware, from the committee on Military Affairs, reported back

H B No. 6, a bill to organize the militia,

And recommended its passage.

Mr Crocker moved that the report of the committee be received and the bill be printed.

Mr Chaffee called for a division of the question.

The question to receive the report prevailed.

The question to print the bill was lost.

Mr Witter was called to the chair.

Mr Holly moved that the committee on Military Affairs be instructed to report back the bill to organize the Colorado Volunteers.

Lost.

Mr Holly moved C B No. 6, be laid on the table.

Ayes and nays being called for and ordered, there were

Ayes—6.

Nays—7.

Those voting in the affirmative were

Messrs Wilhite, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore and Witter.

So the motion was

Lost.

Mr Noteware moved that the rules be suspended and the bill ordered to a third reading.

Mr Holly moved to lay the motion on the table.

Carried.

Mr Wilhite moved that the House now go into committee of the Whole for the consideration of

H B No. 42, a bill for An act to prescribe the rates of interest.

The ayes and nays being called for and ordered, there were

Ayes—11.

Nays—2.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Rankin and Chaffee.

So the motion prevailed.

Mr Wilhite in the chair.

After some time spent therein, the committee rose, and through their chairman, Mr Wilhite, reported that they had had the bill under consideration, and would report the same back with amendments.

On motion,

The report was received, and the committee discharged from any further consideration of the bill.

Mr Rankin moved that the bill be taken up and read by sections.

Carried

Mr Holly moved that the bill be considered engrossed and ordered to a third reading.

Carried.

Mr Holly offered the following resolution:

Resolved, That the committee on Military Affairs be respectfully requested to report back the bill for An act to incorporate the Coloraro Volunteers, to-morrow morning, if practicable.

The ayes and nays being called for and ordered, there were

Ayes—12.

Nays—1.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Mr Rankin voting in the negative.

So the resolution was

Adopted.

The Speaker resumed the chair.

Mr Crocker moved that

C B No. 16, a bill for An act to dissolve the bonds of matrimony between Gertrude W. Owens and W. F. Owens, be

Read first and second time.

The bill was accordingly

Read first and second time, by its title.

Mr Noteware moved that the bill be referred to a special committee.

Carried.

The chair announced Mr Noteware as that committee.

On motion,

The House adjourned to 10 o'clock A. M., to-morrow.

HOUSE OF REPRESENTATIVES,
October 1, 1861.

Speaker in the chair.

Absent—Mr Wilhite.

Prayer by the Chaplain.

A quorum present.

Journal of Monday's proceedings was read and approved.

Mr Crocker, from the committee on Judiciary, reported back

H B No 37, a bill for "An act to prevent and punish armed invasion into this Territory, with a substitute, and recommend the passage of the substitute.

Mr Chaffee, from the committee on Incorporations presented the following report:

Mr Speaker:

Your committee to whom was referred

H B No 48, and C B No 8, would report that they have examined said bills and return them, recommending their passage.

Respectfully,
J. B. CHAFFEE, Chairman.
W. A. RANKIN,
G. M. CHILCOTT.

Mr Wilhite from the committee on Enrollment reported that they have examined H B No 2, Joint Resolutions in regard to the Federal Union, and found it correctly enrolled.

Mr Chilcott from committee on Engrossment, presented the following report:

Mr Speaker:—

Your committee on Engrossed Bills, beg leave to report H B No. 42, as correctly engrossed.

G. M. CHILCOTT.

Mr Steele gave notice that on to-morrow or some subsequent day he would introduce a bill for

"An act to regulate weights and measures."

Mr Noteware, previous notice having been given, introduced

H B No. 44, a bill for "An act to dissolve the bonds of matrimony between Esther Ann Musser and Joseph T. Musser which was

Read a first time by its title.

Mr. Crocker, previous notice having been given, introduced

H B No. 45, a bill for "An act concerning warrants of cities and towns," which was

Read a first time by its title.

Mr Whittemore, previous notice having been given, introduced

H B No. 46, a bill for "An act to protect farmers, gardeners and ranchmen," which was

Read a first time by its title.

Mr Wilhite, previous notice having been given, introduced

H B No. 47, a bill for "An act to incorporate the City of Denver," which was

Read a first time by its title.

Mr Rankin, previous notice having been given, introduced

H B No. 48, a bill for "An act regulating elections," which was

Read a first time by its title.

Mr Scudder, previous notice having been given, introduced

H B No. 49. a bill for "An act for the establishment of Police Magistrates' Courts in towns and cities, which was

Read first time by its title.

The following bills were,

Read a first time by their titles:

H B No 38, a bill for An act to facilitate the settlement of the estates of deceased partners.

H B No. 39, a bill for An act concerning lost goods and estrays.

H B No. 43, a bill for An act to provide for recording contracts, relating to lands and for other purposes.

The following bills were,
Read a second time by their titles:

H B No. 38,
And referred to committee on Judiciary.

H B No. 39,
And referred to committee on Agriculture.

H B No. 43,
And referred to committee on Judiciary.

H B No. 44,

H B No. 45,
And referred to the committee on Judiciary.

H B No. 46,
And referred to committee on Agriculture.

H B No 47,

And referred to the select committee, to whom was referred a previous bill on the same subject.

H B No. 48,
And referred to committee on Counties and County Lines.

H B No. 49,
And referred to committee on Judiciary.

Mr Crocker moved that
H B No. 44, a bill for An act to dissolve the bonds of matrimony between E. A. Musser and Jas. T. Musser, be

Referred to the committee on Incorporations.

The ayes and nays being called for and ordered, there were

Ayes—8.
Nays—5.

Those voting in the affirmative were

Messrs Steele, Wilhite, Rankin, Whittemore, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Scudder, Chaffee, Noteware, Witter and Mr Speaker.

So the bill was referred accordingly.

Mr Rankin moved that the report of the committee on Incorporations, on H B No. 28 and C B No. 3, be received and adopted.

Carried.

Mr Chaffee moved that

H B No. 28, a bill for An act to incorporate the Enterprise wagon road company,

Be considered engrossed and ordered to its third reading.

The Assistant Secretary of the Council appeared and delivered the following message:

Message from the Council:

COUNCIL CHAMBER,
October 1st, 1861.

Mr. Speaker:

I am instructed by the Council to inform your honorable body that the Council has passed

H B No. 14, an act to dissolve the bonds of matrimony between A. H. Bateman and Ellen C. Bateman.

Respectfully Yours,
S. L. BAKER, Secretary.

The motion of Mr Chaffee prevailed, and the bill was
Read third time.

Mr Scudder offered the following as an additional clause to section 7.

"Provided that nothing in this act shall be construed to authorize said corporation in exercising banking powers or issuing paper to circulate as money."

The ayes and nays being called for and ordered, there were
Ayes—7.
Nays—6.

Those voting in the affirmative were,
Messrs Scudder, Chaffee, Witter, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative. were
Messrs Steele, Wilhite, Rankin, Noteware, Whittemore and Crocker.

So the section
Was adopted.

The question recurring on the final passage of the bill, there were
Ayes—11.
Nays—2.

Those voting in the affirmative were
Messrs Steele, Scudder, Chaffee, Rankin, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were
Messrs Wilhite and Witter.

So the bill passed, and
Title agreed to.

Mr Chaffee moved that
H B No. 28, a bill for An act to incorporate the Denver, Bradford and Blue River road company.
Be taken up,
And read by sections.
Carried.

Mr Witter moved to amend line three, section 9, by striking out he word "passable" and inserting the words "reasonably good."
Adopted.

Mr Witter moved to amend line one, by inserting after the word "authority," the words "for a term of three years."

Mr Chaffee moved to amend the amendment by inserting "twenty" in place of "three."

The ayes and nays being called for and ordered, there were

Ayes—10.

Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Whittemore, *Crocker, Barela, Garcia* and *Chilcott.*

Those voting in the negative were

Messrs Noteware, Witter and Mr Speaker.

So the amendment prevailed.

The question recurring on agreeing to motion as amended, and

The ayes and nays being called for and ordered, there were,

Ayes—9.

Nays—4.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Whittemore, Crocker, Chilcott and Mr Speaker.

Those voting in the negative were,

Messrs Noteware, Witter, Barela and Garcia.

So the motion, as amended,

Was adopted.

Mr Noteware moved to adjourn.

The ayes and nays being called for and ordered, there were

Ayes—6.

Nays—7.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Noteware, Witter, Barela and Garcia.

Those voting in the negative were

Messrs Scudder, Rankin, Chaffee, Whittemore, Crocker, Chilcott and Mr Speaker.

So the motion was

Lost.

Mr Rankin moved that the bill be considered engrossed, and

Read third time.

Carried.

H B No. 28, a bill to incorporate the Denver, Bradford and Blue River road company, was

Read third time by its title.

The question recurring on the final passage of the bill, there were

Ayes—9.

Nays—4.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Whittemore, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Noteware, Witter, Crocker and Mr Speaker.

So the bill passed and

Title agreed to.

On motion,
The House adjourned to 2 P. M.

AFTERNOON SESSION.

2 o'clock, P. M.

Speaker in the chair.

Mr Noteware moved a call of the House.

A call of the House being ordered, and Messrs Steele, Wilhite, Witter and Crocker found absent,

The Sergeant-at-Arms was dispatched for the absentees.

After some time spent under the call, Messrs Crocker, Wilhite and Witter appeared and took their seats.

Mr Crocker moved that further proceedings under the call be dispensed with.

Carried.

Mr Crocker moved that the substitute for H B No. 37, reported from the committee on Judiciary, be read a first and second time.

Substitute for H B No. 37, a bill for An act to prevent and punish resistance to officers, was

Read first and second time, by its title.

Mr Crocker moved that the bill be engrossed and ordered to its third reading.

Carried.

Mr Crocker moved that H B No. 42, be read a third time.

Carried.

H B No. 42, a bill for An act to prescribe the rate of interest, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—12.

Nays—0.

Those voting in the affirmative were

Messrs Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed, and the

Title agreed to.

Mr Crocker moved that H B No 21, be considered engrossed and ordered to its third reading.

H B No 21, a bill for An act adopting the common law of England, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—13.

Nays—0.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware,

Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed.

Title agreed to.

Mr Crocker moved to go into committee of the Whole upon bills ready for commitment.

Ayes and nays being called for and ordered, there were

Ayes—7.

Nays—6.

Those voting in the affirmative, were

Messrs Wilhite, Scudder, Whittemore, Witter, Crocker, Barela and Garcia.

Those voting in the negative were,

Messrs Steele, Rankin, Chaffee, Noteware, Chilcott and Mr Speaker.

So the motion prevailed.

Mr Scudder in the chair.

After some time spent therein, the committee rose, and through their chairman, Mr Scudder, reported as follows:

That they had had under consideration,

H B No. 20, a bill for An act regulating the mode of proceedings in replevin,

And would report the same back with an amendment, and recommend the passage of the bill. Also,

H B No. 40, a bill for An act regulating practice in chancery cases,

And would recommend the passage of the bill.

Mr Crocker moved that the report be received and adopted, and the bills ordered to their third reading.

Mr Rankin moved to take up C B No. 6.

The ayes and nays being called for and ordered, there were

Ayes—9.

Nays—4.

Those voting in the affirmative were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Barela and Garcia.

Those voting in the negative were

Messrs Wilhite, Crocker, Chilcott and Mr Speaker.

So the motion prevailed.

Mr Chaffee moved that the bill be read by sections.

Carried.

Mr Holly moved that the further reading of the bill be dispensed with.

The motion was withdrawn.

Mr Holly moved that the bill lay on the table and be printed.

Ayes and nays being called for and ordered, there were

Ayes—7.

Nays—6.

Those voting in the affirmative were

Messrs Wilhite, Scudder, Holly, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative, were

Messrs Steele, Rankin, Chaffee, Noteware, Witter and Mr Speaker.

Mr Holly gave notice that on to-morrow or some subsequent day, he would introduce

A bill for a Joint Memorial relative to school lands.

Mr Wilhite, from committee on Enrollment, reported that they had examined

H B No. 14, a bill for An act to dissolve the bonds of matrimony between Adam H. Bateman and Ellen C Bateman, and found it correctly enrolled.

Mr Wilhite gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act relating to the publication of the laws.

Mr Holly moved that the rule relative to the printing of private bills be suspended.

The ayes and nays being called for and ordered, there were

Ayes—10.

Nays—3.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Holly, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Rankin, Witter and Crocker.

So the motion prevailed.

Mr Holly, previous notice having been given, introduced

A bill for An act to incorporate the Boulder City Lumbering Company.

On motion,

H B No. 51, a bill for An act to incorporate the Boulder City Lumbering Company, was

Read first and second time, by its title, and

Referred to committee on Incorporations.

Mr Wilhite, previous notice having been given, introduced

A bill for An act containing several provisions regarding landlords, tenants, lessors and lessees.

H B No. 52, a bill for An act containing several provisions regarding landlords, tenants, lessors and lessees, was

Read first and second time by its title, and

Referred to the committee on Judiciary.

Mr Noteware, from committee on Military Affairs, presented the following report:

House of Representatives,
October 1, 1861.

Mr Speaker:

The committee on Military Affairs, to whom was referred

H B No. 82, a bill for An act to organize the Colorado volunteers,

Have had the same under consideration, and would respectfully report:

It is the opinion of your committee that the design of bills of this

character is to make the people generally acquainted with the details of military affairs, and to form an ever ready and adequate force for the support of the Government and the enforcement of the laws, in cases of necessity. Wherever the volunteer system has prevailed, it has been found wholly insufficient to secure these objects, and the people are generally ignorant of military affairs. The ignorance of the people of the loyal States, on these matters, has been deplored, and is known to be the result of inattention to military affairs.

Your committee are of opinion that a militia law, similar in its provisions to those of the older States, should be passed, which shall be compulsory in its provisions, and embrace all the citizens of proper age who come within the protection of our laws. Your committee are of opinion that the rights of citizenship and the protection afforded by the laws, impose upon each citizen duties for the support of the Government; and we believe it to be the true policy of every government to educate its people by its legislation in regard to the nature of these duties and their relations to the Government.

Your committee would therefore recommend that H B No 32, a bill to organize the Colorado Volunteers, be laid on the table.

J. H. NOTEWARE, Ch'n,
DAN'L WITTER,
W. A. RANKIN.

Mr Holly moved that the report be received and laid on the table.
Mr Chaffee called for a division of the question.
Report received.
The ayes and nays being called for and ordered on laying the report on the table, there were
Ayes—3.
Nays—9.
Those voting in the affirmative were
Messrs Holly, Crocker and Chilcott.
Those voting in the negative, were
Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Witter, Barela, Garcia and Mr Speaker.

Mr Holly moved that H B No. 18 be laid on the table and printed.
Mr Chaffee called for a division of the question.
Mr Holly withdrew his motion, and moved that H B No. 18 be printed.
Mr Rankin moved to adjourn.
Ayes and nays being called for and ordered, there were,
Ayes—7.
Nays—5.
Those voting in the affirmative were,
Messrs Steele, Rankin, Chaffee, Noteware, Witter, Barela and Garcia.
Those voting in the negative were
Messrs Scudder, Whittemore, Crocker, Chilcott and Mr Speaker.
The House adjourned to 9 A. M. to-morrow morning.

HOUSE OF REPRESENTATIVES,
Oct. 2, 1861.

Speaker in the chair.
Prayer by the Chaplain.
Roll called.

Absent—Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Barela and Garcia.

A quorum not present.

Mr Crocker moved a call of the House:

A call of the House being ordered, and

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Barela and Garcia found absent.

The Sergeant-at-Arms was dispatched after the absentees.

After some time spent under the call,

Messrs Wilhite, Scudder, Chaffee, Whittemore and Chilcott, appeared and took their seats.

Mr Crocker moved that further proceedings under the call be dispensed with.
Carried.

A quorum being present,
Journal of Tuesday's proceedings was read and corrected.

Mr Chilcott moved that the House disagree to the recommendation of the committee on Judiciary on

H B No. 27, a bill for An act empowering certain persons to erect and keep a mill dam across the Arkansas River.
Carried.

Mr Chilcott moved that
H B No. 27, be
Referred to committee on Incorporations.
Carried.

Mr Whittemore, previous notice having been given, introduced
A bill for An act incorporating the Park Junction, Georgia and French Gulch road company, which was
Read first time by its title.

Mr Chaffee moved to adjourn to 2 P. M.

Ayes and nays being called for and ordered, there were
Ayes—5.
Nays—4.
Those voting in the affirmative were

Messrs Steele, Wilhite, Chaffee, Whittemore and Witter.

Those voting in the negative, were

Messrs Scudder, Crocker, Chilcott, and Mr Speaker.

So the motion prevailed.

AFTERNOON SESSION.

2 O'CLOCK P. M.

Speaker in the chair.

H B No 53, a bill for An act to incorporate the Amos Gulch and Gregory Wagon Road, was

Read first time by its title.

Mr Crocker, previous notice having been given, introduced

H B No. 54, a bill for An act to incorporate the Denver, Golden Gate and Gregory road company, which was

Read first time, by its title.

Mr Chilcott, previous notice having been given, introduced

H B No. 55, a bill for An act to provide for the diversion of water from natural courses for agricultural and mineral purposes, which was

Read first time, by its title.

Also H B No. 56, a bill for An act to protect and regulate the irrigation of lands, which was

Read first time by its title.

The following bills were

Read second time, by their titles

H B No. 53.

H B No. 54.

H B No. 55.

H B No. 56.

Mr Steele moved that H B No. 54, be referred to a special committee of three with instructions to investigate the rights on which such charter is asked.

Carried.

The chair announced as such special committee,

Messrs Steele, Witter and Chaffee.

Mr Chilcott moved that H B No. 53, be

Referred to committee on Incorporations.

Carried.

Mr Chilcott moved that H B No. 55, and H B No. 56, be

Referred to committee on Agriculture.

Carried.

H B No 20, a bill for An act regulating the mode of proceedings in replevin was

Read third time, by its title.

The question recurring on the final passage of the bill, there were

Ayes—13.

Nays—0.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr. Speaker—13.

So the bill passed, and the

Title agreed to.

H B No. 40, a bill for An act regulating practice in chancery cases, was

Read third time, by its title.

The question recurring on the final passage of the bill, there were

Ayes—11.

Nays—2.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker—11.

Those voting in the negative were

Messrs Rankin and Witter—2.

Mr Witter explained his vote, and wished to have his reasons entered upon the Journal. He understood the act to be founded upon the old common law practice, which he considered not as simple or as well understood by the people as the code practice adopted by the State of New York, some years ago, and since that time, by most of the States of the North West. Believing that we should profit by the experience of these States, and adopt a code of practice similar to that of New York, he should vote no.

So the bill passed, and the

Title agreed to.

H B No. 50, a bill for An act to prevent and punish resistance to officers, was

Read third time.

The question recurring on the final passage of the bill, there were,

Ayes—13.

Nays—0.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed.

Title agreed to.

The motion which was pending on yesterday's adjournment, to print H B No. 32, a bill for An act to organize the Colorado Volunteers, was taken up.

Mr Chaffee moved to amend by adding "and laid on the table."

The amendment was adopted.

The question recurring on the motion as amended, and

The ayes and nays being called for and ordered, there were,

Ayes—7.

Nays—6.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Chaffee, Crocker, Barela, Chilcott and Mr Speaker.

Those voting in the negative were,

Messrs Scudder, Rankin, Noteware, Whittemore, Witter, Garcia.

So the motion prevailed.

Mr Steele moved that H B No. 7, a bill for An act to prevent timber and prairies from being set on fire, be taken up.

The motion was withdrawn.

Mr Crocker moved that the House go into committee of the Whole upon bills ready for commitment.

Mr Crocker in the chair.

After some time spent, the committee rose, and through their chairman, Mr Crocker, reported as follows:

The committee of the Whole have had in due consideration

H B No. 17, a bill for An act to organize the militia, and would report the same back with the recommendation that it be laid on the table. Also,

H B No. 41, a bill for An act concerning criminal jurisprudence, and would recommend its passage.

Mr Whittemore moved that the report be received and adopted.

Carried.

Mr Chaffee was called to the chair.

Mr Holly, previous notice having been given, introduced

A bill for An act entitled a general incorporation law. Also,

A bill for a joint memorial relative to school lands.

Mr Whittemore, previous notice having been given, introduced a bill for An act to incorporate the Swan River and Georgia Gulch Water Company.

Mr Holly gave notice that he would on to-morrow or some subsequent day, introduce a bill for a Joint Memorial relative to a Territorial Seal.

Mr Noteware moved that the bill, H B No. 57, a bill for An act for a general incorporation law, and H B No. 1, a bill for a Joint Memorial relative to School Lands, be read a first and second time.

Carried.

H B No. 57, was

Read first and second time by its title, and

Referred to the committee on Incorporations.

H B No. 1, was

Read first and second time, by its title, and

Ordered printed, and

Referred to committee on Education.

H B No. 58, a bill for An act to incorporate the Swan River and Georgia Gulch Water Company, was

Read first and second time, by its title, and

Referred to the committee on Incorporations.

Mr Scudder moved that the vote by which C B No. 6 was laid on the table and ordered printed, be reconsidered.

The ayes and nays being called for and ordered, there were

Ayes—8.

Nays—5.

Those voting in the affirmative were,

Messrs Steele, Rankin, Noteware, Whittemore, Witter, Barela, Garcia and Mr Speaker.

Those voting in the negative were

Messrs Wilhite, Scudder, Holly, Crocker and Chilcott.

So the motion prevailed.

Mr Witter moved that the motion which was reconsidered, be indefinitely postponed.
The ayes and nays being called for and ordered, there were
Ayes—7.
Nays—6.
Those voting in the affirmative were
Messrs Rankin, Noteware, Whittemore, Witter, Barela, Garcia and Mr Speaker—7.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Holly, Crocker and Chilcott—6.
So the motion prevailed.
Mr Holly offered the following resolution:

Resolved, That C B No. 6, be ordered printed, and that the same be returned to this House within one week.

Mr Witter raised a point of order that the resolution was out of order as containing matter that had once been voted down.
The chair decided the point well taken.
Mr Holly appealed from the decision of the chair.
The question recurring on sustaining the decision of the chair, and
The ayes and nays being called for and ordered, there were
Ayes—7.
Nays—5.
Those voting in the affirmative were
Messrs Steele, Rankin, Noteware, Whittemore, Witter, Barela and Garcia.
Those voting in the negative were
Messrs Wilhite, Scudder, Holly, Crocker and Chilcott.
So the decision of the chair was sustained.
Mr Crocker moved to adjourn.
The ayes and nays being called for and ordered, there were
Ayes—6.
Nays—7.
Those voting in the affirmative were
Messrs Steele, Wilhite, Witter, Crocker, Chilcott and Mr Speaker.
Those voting in the negative were
Messrs Scudder, Rankin, Holly, Noteware, Whittemore, Barela and Garcia.
So the motion was
Lost.

Mr Holly offered the following resolution:

Resolved, That C B No. 6, be made the special order two weeks from to-day, at 2 o'clock P. M.

Mr Noteware moved to amend the resolution by making C B No. 6, the special order for to-morrow at 2 P. M.
Mr Crocker moved to adjourn.
Ayes and nays been called for and ordered, there were
Ayes—6.
Nays—7.

Those voting in the affirmative, were
Messrs Wilhite, Scudder, Holly, Whittemore, Crocker and Chilcott.
Those voting in the negative were
Messrs Steele, Rankin, Noteware, Witter, Barela, Garcia and Mr Speaker.
So the motion was
Lost.
Mr Crocker moved to adjourn to 10 o'clock A. M.
The ayes and nays being called for and ordered, there were
Ayes—5.
Nays—8.
Those voting in the affirmative were
Messrs Steele Wilhite, Holly, Crocker and Chilcott.
Those voting in the negative were
Messrs Scudder, Rankin, Noteware, Whittemore, Witter, Barela, Garcia and Mr Speaker.
So the motion was
Lost.
Mr Crocker moved to adjourn to to-morrow at 9½ o'clock A. M.
Ayes and nays being called for and ordered, there were
Ayes—5.
Nays—8.
Those voting in the affirmative were
Messrs Steele, Wilhite, Holly, Crocker and Chilcott.
Those voting in the negative were
Messrs Scudder, Rankin, Noteware, Whittemore, Witter, Barela Garcia and Mr Speaker.
So the motion was
Lost.
Mr Crocker moved to adjourn to to-morrow at 9 o'clock A M
The ayes and nays being called for and ordered, there were
Ayes—5.
Nays—8.
Those voting in the affirmative were
Messrs Steele, Wilhite, Holly, Crocker and Chilcott.
Those voting in the negative were
Messrs Scudder, Rankin, Noteware, Whittemore, Witter, Barela Garcia and Mr Speaker.
So the motion was
Lost.
Mr Witter moved the previous question on the amendment.
Mr Crocker moved to adjourn.
Ayes and nays being called for and ordered, there were
Ayes—6.
Nays—7.
Those voting in the affirmative, were
Messrs Steele, Wilhite, Holly, Crocker, Chilcott and Mr Speaker
Those voting in the negative were,
Messrs Scudder, Rankin, Noteware, Whittemore, Witter, Barela and Garcia.

So the motion was

Lost.

Mr Crocker moved to adjourn to to-morrow at 10 o'clock A. M.

The ayes and nays being called for and ordered, there were

Ayes—6.

Nays—7.

Those voting in the affirmative were

Messrs Steele, Wilhite, Holly, Crocker, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Scudder, Rankin, Noteware, Whittemore, Witter, Barela and Garcia.

So the motion was

Lost.

Mr Chilcott moved to adjourn to to-morrow at 10½ o'clock A. M.

Ayes and nays being called for and ordered, there were

Ayes—6.

Nays—7.

Those voting in the affirmative were

Messrs Steele Wilhite, Holly, Crocker, Chilcott, and Mr Speaker.

Those voting in the negative, were

Messrs Scudder, Rankin, Noteware, Whittemore, Witter, Barela, and Garcia.

So the motion was

Lost.

Mr Whittemore moved to adjourn to this evening at 7 o'clock.

The ayes and nays being called for and ordered, there were

Ayes—7.

Nays—6.

Those voting in the affirmative were

Messrs Scudder, Rankin, Noteware, Whittemore, Witter, Garcia, and Mr Speaker.

Those voting in the negative, were

Messrs Steele, Wilhite, Holly, Crocker, Barela and Chilcott.

So the motion prevailed.

EVENING SESSION.

7 O'CLOCK, P. M.

Speaker in the chair.

Mr Whittemore was called to the chair.

Mr Witter withdrew his motion for the previous question.

Mr Witter moved to amend the pending amendment by making C B No. 6, the special order for Tuesday next.

Mr Holly moved a call of the House.

A call of the House being ordered, and Mr Steele found absent, the Sergeant-at-Arms was dispatched for the absentee.

Mr Chaffee moved that further proceedings under the call be dispensed with.

The ayes and nays being called for and ordered, there were
Ayes—7.
Nays—5.
Those voting in the affirmative were
Messrs Rankin, Chaffee, Noteware, Witter, Crocker, Garcia, and Mr Speaker—7.
Those voting in the negative were
Messrs Wilhite, Scudder, Holly, Barela, Chilcott—5.
So the motion prevailed.

Mr Chaffee moved the previous question.
Mr Holly moved to lay the motion on the table.
Mr Witter raised the point of order that the motion to lay was out of order.

The chair decided the point not well taken.

The ayes and nays being called for and ordered on the motion to lay on the table, there were
Ayes—5.
Nays—8.

Those voting in the affirmative, were
Messrs Wilhite, Holly, Crocker, Chilcott.
Those voting in the negative were
Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Witter, Barela, Garcia, Mr Speaker.
So the motion was
Lost.

Mr Holly moved to adjourn.

The ayes and nays being called for and ordered, there were
Ayes—5.
Nays—8.

Those voting in the affirmative were
Messrs Steele Wilhite, Holly, Crocker and Chilcott.
Those voting in the negative were
Messrs Scudder, Rankin, Chaffee, Noteware, Witter, Barela, Garcia and Mr Speaker.
So the motion was
Lost.

Mr Holly moved to adjourn to 10½ o'clock A. M., to-morrow.
Ayes and nays being called for and ordered, there were
Ayes—5.
Nays—8.

Those voting in the affirmative were
Messrs Steele, Wilhite, Holly, Crocker and Chilcott.
Those voting in the negative were
Messrs Scudder, Rankin, Chaffee, Noteware, Witter, Barela, Garcia and Mr Speaker.
So the motion was
Lost.

Mr Chilcott moved to adjourn to to-morrow at 11 o'clock A M.

The ayes and nays being called for and ordered, there were
Ayes—5.
Nays—8.
Those voting in the affirmative were
Messrs Steele, Wilhite, Holly, Crocker and Chilcott.
Those voting in the negative were
Messrs Scudder, Rankin, Chaffee, Noteware, Witter, Barela, Garcia and Mr Speaker.
So the motion was
Lost.

Mr Crocker moved to adjourn.

Mr Wilhite raise a point of order that the motion was out of order, no business having intervened.
Ayes and nays been called for and ordered, there were
Ayes—5.
Nays—8.
Those voting in the affirmative were
Messrs Steele, Wilhite, Holly, Crocker and Chilcott.
Those voting in the negative, were
Messrs Scudder, Rankin, Chaffee, Noteware, Witter, Barela, Garcia and Mr Speaker.
So the motion was
Lost.

Mr Holly moved to adjourn to 9 o'clock and 10 minutes to-morrow morning.

Ayes and nays being called for and ordered, there were,
Ayes—5.
Nays—8.
Those voting in the affirmative were,
Messrs Steele, Wilhite, Holly, Crocker and Chilcott.
Those voting in the negative were
Messrs Scudder, Rankin, Chaffee, Noteware, Witter, Barela, Garcia and Mr Speaker.
So the motion was
Lost.

Mr Scudder moved that the House adjourn to to-morrow at 2 o'clock A. M.
Mr Holly moved to lay the motion on the table.

During the roll call,
Mr Crocker asked to be excused from voting, and

The ayes and nays being called for and ordered, there were,
Ayes—7.
Nays—5.
Those voting in the affirmative, were
Messrs Wilhite, Chaffee, Holly, Witter, Barela, Chilcott and Mr Speaker.
Those voting in the negative were,
Messrs Steele, Scudder, Rankin, Noteware, Garcia.
So Mr Crocker was excused.

Mr Chilcott asked to be excused from voting, and
It was moved that he be excused.
Mr Wilhite moved to lay the motion on the table.
Ayes and nays being called for and ordered, there were
Ayes—11.
Nays—1.
Those voting in the affirmative, were
Messrs Wilhite, Scudder, Rankin, Chaffee, Noteware, Holly, Witter, Crocker, Barela, Garcia and Mr Speaker.
Mr Steele voting in the negative.
So the motion was laid on the table.
The call of the roll being completed, on the question to lay on the table, there were
Ayes—3.
Nays—9.
Those voting in the affirmative were
Messrs Wilhite, Holly and Chilcott.
Those voting in the negative were,
Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Witter, Barela, Garcia and Mr Speaker.
So the motion was
Lost.
The question recurring on the motion to adjourn to 2 P. M.
Mr Crocker moved to amend by adjourning to 1½ o'clock.
The amendment was accepted.
Mr Holly moved to amend by adjourning to 9½ o'clock.
The Speaker resumed the chair.
Mr Wilhite asked to be excused from voting, and it was moved that he be excused.
The ayes and nays being called for and ordered, there were
Ayes—4.
Nays—8.
Those voting in the affirmative were
Messrs Scudder, Crocker, Chilcott and Mr Speaker.
Those voting in the negative were
Messrs Steele, Rankin, Chaffee, Noteware, Whittemore, Witter, Barela and Garcia.
So the motion was
Lost.
Mr Scudder was called to the chair.
Mr Witter raised a point of order that successive motions to adjourn were not in order without intervening business.
The chair decided that there were no motions pending.
Mr Holly moved to adjourn to to-morrow at 9 o'clock A. M.
During the roll call Mr Crocker asked to be excused from voting, and it was moved that he be excused.
The ayes and nays being called for and ordered, there were
Ayes—5.
Nays—7.
Those voting in the affirmative were
Messrs Steele, Wilhite, Holly, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Rankin, Chaffee, Noteware, Whittemore, Witter, Barela, and Garcia.

So the motion was

Lost.

The call of the roll was completed and there were

Ayes—6.

Nays—6.

Those voting in the affirmative were

Messrs Steele, Willhite, Holly, Crocker, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Rankin, Chaffee, Noteware, Whittemore, Barela and Garcia.

So the motion was

Lost.

Mr Chaffee moved that the rules be suspended that he might introduce the following resolution:

Resolved, That the Speaker shall be and he is hereby requested to resume the Speaker's chair, and keep it, or that we consider said chair vacated; we now proceed to an election for Speaker of this House.

Mr Holly moved to adjourn to 10 o'clock A. M. to-morrow.

Mr Crocker moved to amend by adjourning to 9 o'clock A. M. to-morrow.

The ayes and nays being called for and ordered, there were

Ayes—2.

Nays—11.

Those voting in the affirmative were

Messrs Willhite and Chilcott.

Those voting in the negative were

Messrs Steele, Holly, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia and Mr Speaker.

So the motion was

Lost.

The question recurring on the original motion, and

The ayes and nays being called for and ordered, there were

Ayes—6.

Nays—7.

Those voting in the affirmative were

Messrs Steele, Willhite, Holly, Crocker, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Rankin, Chaffee, Noteware, Whittemore, Witter, Barela, and Garcia.

So the motion was

Lost.

Mr. Crocker moved to adjourn.

Mr Rankin raised a point of order that the previous question was pending and no other business was in order.

The chair decided the point well taken.

Mr Crocker appealed from the decision of the chair.

The question recurring on the question of sustaining the decision of the chair, and

The ayes and nays being called for and ordered, there were

Ayes—.9

Nays—4.

Those voting in the affirmative were

Messrs Steele, Rankin, Chaffee, Noteware, Whittemore, Witter, Barela, Garcia and Mr Speaker.

Those voting in the negative, were

Messrs Wilhite, Holly, Crocker and Chilcott.

So the motion was sustained.

Mr Holly resumed the chair.

Mr Crocker moved to adjourn.

The ayes and nays being called for and ordered, there were

Ayes—5.

Nays—8.

Those voting in the affirmative were,

Messrs Steele, Wilhite, Crocker, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Barela and Garcia.

So the motion was

Lost.

Mr Chilcott moved to adjourn to 9½ o'clock A. M. to-morrow.

The motion was withdrawn.

The motion for the previous question was withdrawn.

The question then recurring on the amendment to the amendment to make C B No. 6, the special order for Tuesday next, and

The ayes and nays being called for and ordered, there were

Ayes—10.

Nays—3.

Those voting in the affirmative, were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whitsemore, Witter, Crocker, Barela and Garcia.

Those voting in the negative, were

Messrs Wilhite, Chilcott and Mr Speaker.

The amendment was

Adopted,

And the subject disposed of accordingly.

Mr Crocker moved to amend rule 7 by striking out the words "for the previous question," and to amend rule 10 by striking it out, and inserting in lieu thereof the words "the moving of the previous question shall not be allowed in this House.

Mr Chaffee moved to amend the amendment by adding that rule 5 be amended, by adding that no member shall be allowed to speak to any question or motion more that twenty minutes, at any one time.

The amendment was accepted.

The ayes and nays being called for and ordered, there were

Ayes—12.

Nays—1.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Mr Rankin voting in the negative

Mr Rankin gave notice that on to-morrow or some subsequent day, he would introdcce

A bill for An act relating to wills of real estate and personal property.

Mr Noteware gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act making certain appropriations, and for other purposes.

Mr Witter moved to adjourn to 10 o'clock A. M. to-morrow.

The ayes and nays been called for and ordered, there were

Ayes—12.

Nays—1.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

In the negative Mr Rankin.

So the House adjourned.

HOUSE OF REPRESENTATIVES,
October 3, 1861.

House met pursuant to adjournment, at 10 o'clock A M.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr Wilhite.

A quorum being present

The Journal of Wednesday's proceedings was read and corrected.

The Assistant Secretary of the Council appeared and delivered the following message:

Message from the Council:

COUNCIL CHAMBER,
October 1st, 1861.

Mr. Speaker:

I am instructed by the Council to inform your honorable body of the passage by the Council, of

H B No. 4, An act to incorporate the Blue River and Buffalo Flats Ditch Company," with the following amendments, to-wit:

Strike out all of section No. 9.

And amend section 18 (eighteen) so as to make it read as follows:

The said company shall not be allowed or authorized, under any of the provisions of this act, to divert the water of any stream from its natural channel when needed for the purpose of mining or working out mining claims on such stream.

And respectfully ask your concurrence therein.

S. L. BAKER, Secretary.

The committee on Counties and County Lines submitted the following report:

Mr Speaker:

Your committee on Counties and County Lines beg, most respectfully, to report,

A bill for An act to define county boundaries and locate county seats, in Colorado Territory,"

And recommend its immediate passage.

G. M. CHILCOTT, Ch'n.
W. A. RANKIN,
DANIEL STEELE.

Mr Crocker, from the committee on Judiciary, reported back

H B No. 16, a bill for An act relating to Notaries Public, with amendments, and recommended its passage.

H B No. 4, a bill to incorporate the Blue River and Buffalo Flats ditch company, with Council amendments,

Was taken up.

Mr Noteware moved to concur in the amendments.

Ayes and nays being called for and ordered, there were

Ayes—13.

Nays—0.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the amendments were concurred in.

Mr Noteware gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act for the incorporation of the town of Idaho.

H B No. 59, a bill for An act to define county boundaries and to locate county seats, in Colorado, Territory, was

Read first time by its title.

Mr Rankin, previous notice having been given, introduced

H B No. 60, a bill for An act relating to wills of real and personal property, which was

Read first time, by its title.

Mr Wilhite, previous notice having been given, introduced

H B No. 61, a bill for An act to provide for the partition of real estate, which was

Read a first time.

Mr Steele, previous notice having been given, introduced

H B No. 62, a bill for An act to regulate weights and measures, which was

Read first time, by its title.

Mr Noteware, previous notice having been given, introduced

H B No. 63, a bill for An act making certain appropriations, and for other purposes, which was

Read a first time.

The following bills were

Read second time, by their titles:

H B No. 59.

H B No. 60.

H B No. 61.

H B No. 62.

H B No. 63.

Mr Rankin moved that H B No. 60 be referred to committee on Judiciary.

Carried.

Mr Crocker moved H B No. 63 be referred to committee on Ways and Means.

Carried.

Mr Crocker moved that H B No. 59 be laid on the table and ordered printed.

The ayes and nays being called for and ordered, there were

Ayes—3.

Nays—10.

Those voting in the affirmative were

Messrs Wilhite, Crocker and Chillcott.

Those voting in the negative were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker.

So the motion was lost.

Mr Crocker moved that H B No. 59 be spread on the journal and made the special order for Monday next.

The ayes and nays being called for and ordered, there were

Ayes—10.

Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Witter, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Rankin, Chaffee and Mr Speaker.

So the motion prevailed

Mr Chaffee moved that H B No 62 be referred to the committee on Judiciary.

Carried.

The House resolved itself into committee of the Whole on the special order of the day, H B No 3, a bill for An act to incorporate the consolidated ditch company.

Mr Witter in the chair.

After some time spent therein, the committee rose, and through their chairman, Mr Witter, reported the bill back to the House, with amendments, and recommended their adoption.

Mr Crocker moved that the report be received and adopted, and the bill ordered engrossed and read a third time.

Mr Rankin called for a division of the question.

The report was received.
The report was adopted.
Mr Crocker moved to adjourn
Mr Wilhite moved to amend by adjourning to 3 P M.
Mr Chilcott moved to amend the amendment, by adjourning to to-morrow at 10 A M.
Those voting in the affirmative were,
Messrs Steele, Rankin, Crocker, Barela, Garcia and Chilcott.
Those voting in the negative were,
Messrs Wilhite, Scudder, Chaffee, Noteware, Whittemore, Witter and *Mr Speaker.*
So the amendment was not adopted.
The ayes and nays being called for and ordered on the first amendment, there were,
Ayes—8.
Nays—5.
Those voting in the affirmative were,
Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Witter and Chilcott.
Those voting in the negative, were
Messrs Rankin, Crocker, Barela, Garcia and Mr Speaker.
So the House adjourned to 3 P M.

AFTERNOON SESSION:

3 O'CLOCK P. M.

Speaker in the chair.
The question recurring on the motion to engross H B No 3, and order it to its third reading, which was pending at the time of adjournment,
It was not adopted.
Mr Crocker gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act, creating a lien in favor of ranchmen and others.
Mr Rankin offered the following as an additional section to H B No 3, a bill for An act to incorporate the consolidated ditch company:
"That the company shall not be allowed to sell water to any person or persons in the Nevada Gulch for ground sluicing."
The section was not adopted.
Mr Crocker moved that H B No 3 be engrossed and ordered to its third reading.
Carried.
Mr Crocker offered the following resolution:

Resolved, That this hall be tendered to the Rev. A. S. Billingsley, for the purpose of public worship on Sabbath mornings and evenings, during the present session of the Legislature.

The resolution was adopted.

Mr Rankin gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act to provide for contested elections.

Mr Rankin moved to adjourn.

The ayes and nays being called for and ordered, there were,

Ayes—6.

Nays—5.

Those voting in the affirmative were,

Messrs Scudder, Rankin, Chaffee, Witter, Barela and Chilcott.

Those voting in the negative were,

Messrs Steele, Noteware, Whittemore, Crocker and Mr Speaker.

So the motion prevailed, and

The House adjourned to 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
Friday, October 4, 1861.

House met at 10 o'clock A. M. pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs Wilhite, Chaffee and Crocker.

A quorum present.

Journal of Thursday's proceedings was read and approved.

Mr Noteware, from the committee on Education, presented the following report:

HOUSE OF REPRESENTATIVES,
October 4, 1861.

Mr Speaker:

The committee on Education, to whom was referred Joint Memorial No. 1, relative to School Lands, have had the same under consideration, and would respectfully report:

That they consider that the memorial prays for an object that would promote the educational interests of this Territory, and they would recommend the passage of the same.

J. H. NOTEWARE, Chairman.
O. H. WHITTEMORE.
G. M. CHILCOTT.

Mr Chilcott, from the committee on Engrossment, presented the following report:

Mr Speaker:

Your committee on Engrossed bills would beg leave to report H B No. 50 as correctly engrossed.

G. M. CHILCOTT, Chairman.

Mr Chilcott gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to dissolve the bonds of matrimony exisiting between W. W. Silsby and Laura Silsby.

Mr Witter moved a reconsideration of the vote by which H B No. 59, was ordered spread upon the Journal.

Carried.

The question recurring on the motion to spread the bill upon the Journal which was reconsidered, it was

Not adopted.

Mr Rankin, previous notice having been given, introduced

A bill for An act to provide for contested elections, which was

Read first time by its title.

The following bill were

Read a second time by their titles:

H B No. 64, a bill for An act incorporating the Park Junction, Georgia and French Gulch road company.

Mr Rankin moved that H B No 65, be

Referred to committee on Election.

Carried.

Mr Whittemore moved that H B No. 64, be

Referred to committee on Incorporations.

Carried.

Mr Crocker moved that

H B No. 16, a bill for An act relative to Notaries Public, be engrossed and ordered to its third reading.

Carried.

Mr Rankin moved that

H B No. 18, a bill for An act defining the political and corporate powers of organized counties, and the duties of county officers, be

Referred to committee on Counties and County Lines.

Carried.

Mr Crocker, from the committee on Judiciary, reported back

H B No. 34, a bill for An act regulating fees of officers, jurors and witnesses, with a recommendation that the same be

And referred to committee on Counties and County Lines.

The report was received and the recommendation

Adopted.

Mr Scudder was called to the chair.

Mr Holly, previous notice having been given, introduced

H B No. 4, a Joint Resolution relating to a Territorial Seal.

Mr Holly moved that the Joint Resolution be,

Read first and second time, by its title.

The motion prevailed, and the joint resolution was

Read accordingly.

Mr Holly moved that the joint resolution be referred to the committee on Territorial Affairs.

Carried.

Mr Holly moved that the report of the committee on Education on Memorial No. 1, be received.

Carried.

Mr Holly moved that the memorial be engrossed and ordered to its third reading.

Carried.

Mr Chaffee gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to incorporate the Denver gas-light and coke company.

Mr Chilcott, from the committee on Engrossment, presented the following report:

Mr Speaker:—

Your committee on Engrossed Bills beg leave to report H B No. 3 as correctly engrossed.

G. M. CHILCOTT, Chairman.

Mr Crocker moved that the bill reported by the committee be put upon its third reading and final passage.

Carried.

Mr Wilhite moved that the bill be read by its title.

Carried.

H B No. 3, a bill for An act to incorporate the Consolidated ditch company, was

Read third time, by its title.

The question recurring on the final passage of the bill, there were

Ayes—10.

Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Crocker, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Rankin, Witter and Barela.

So the bill passed, and the

Title agreed to.

The Speaker resumed the chair.

Mr Crocker, previous notice having been given, introduced

H B No. 66, a bill for An act to create a lien in favor of ranchmen and others.

Mr Crocker moved that H B No. 66 be read a first and second time by its title.

The motion prevailed,

And the bill was read accordingly.

Mr Crocker moved that the bill be engrossed and ordered to its third reading.

Carried.

Mr Wilhite, previous notice having been given, introduced

H B No. 67, a bill for An act for the formation of limited partnerships.

Mr Crocker moved that the bill be read a first and second time by its title, and referred to the committee on Judiciary.

The motion prevailed,

And the bill was read and referred accordingly.

Mr Wilhite moved to reconsider the vote by which H B No. 3 was passed.

The ayes and nays being called for and ordered, there were
Ayes—9.
Nays—4.
Those voting in the affirmative were
Messrs Steele, Wilhite, Rankin, Noteware, Witter, Crocker, Barela, Garcia and Chilcott.
Those voting in the negative were
Messrs Scudder, Chaffee, Whittemore and Mr Speaker.
So the motion prevailed.
The question recurring on the final passage of the bill, there were,
Ayes—8.
Nays—5.
Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Chaffee, Whittemore, Garcia Chilcott and Mr Speaker.
Those voting in the negative were
Messrs Rankin, Noteware, Witter, Crocker and Barela.
So the bill passed, and the
Title agreed to.
On motion,
The House adjourned to 9 o'clock A. M., to-morrow.

House of Representatives,
Saturday, Oct. 5, 1861.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Absent—Messrs Wilhite and Crocker.
A quorum being present, the journal of the preceding day was read and approved.
Mr Whittemore presented a petition from miners in Georgia Gulch, praying for a ditch charter to be granted to F. A. Stevens.
Prayer by the Chaplain.
Mr Wilhite presented a petition from Elizabeth Morris, praying for a divorce from her husband, Alexander T. Morris.
Mr Chaffee, from committee on Incorporations, presented a report on
H B No 58, a bill for An act to incorporate the Amos Gulch and Gregory wagon road company, with a substitute, and recommended the passage of the substitute. Also,
H B No 64, a bill for An act incorporating the Park Junction, Georgia and French Gulch road company, with the following amendment to section 7:
"Nothing in this act shall be construed as a bar against any other person who may have claims against said road, as to title or otherwise," and recommended its passage. Also,
H B No 31, a bill for An act incorporating the Tarryall and Arkansas river road company, and recommend its passage, with the following additional section:

"This act shall in nowise prevent any other person from recovering in any court any claim against said road, as to title to the same, or any part thereof." Also,

H B No 58, a bill for An act to incorporate the Swan river and Georgia Gulch water company, and recommend its passage. Also,

H B No 51, a bill for An act to incorporate the Boulder City lumbering company, to which they had made amendments and recommended its passage.

The following message from the Governor was read:

EXECUTIVE DEPARTMENT, COLORADO TER.
Denver, October 3, 1861.

To the Speaker of the House of Representatives:—

SIR:—I have approved and signed "Joint resolution of the Legislative Assembly."

Very respectfully,
WILLIAM GILPIN,

Mr Wilhite gave notice that on Monday, or some subsequent day, he would introduce a bill for An act to dissolve the bonds of matrimony between Elizabeth Morris and Alex. T. Morris.

Mr Whittemore introduced the following resolution:

WHEREAS, Page, Master Shaw, has recently become very inattentive to the duties of his office, therefore be it

Resolved, That his office be and it is hereby declared vacant, unless he becomes more prompt and watchful.

Mr Wilhite moved that the resolution be laid on the table.
Carried.

Mr Noteware gave notice that on Monday, or some subsequent day, he would introduce a bill for An act for the incorporation of towns and villages.

Mr Noteware offered the following resolution:

Resolved, That this House hereby authorize a copy of the map of the Territory be made for the use of the members, with the county lines marked thereon; and that Fred. J. Stanton be authorized to copy said map, and that twenty-five dollars be allowed him for the work.

The ayes and nays being called for and ordered, there were
Ayes—3.
Nays—9.
Those voting in the affirmative, were
Messrs Steele, Noteware and Mr Speaker.

Those voting in the negative, were
Messrs Wilhite, Scudder, Rankin, Chaffee, Whittemore, Witter, Barela, Garcia and Chilcott.
So the resolution was
Not adopted.

Mr Rankin offered the following resolution:

Resolved, That hereafter this House will take no action in regard to divorce cases.

The ayes and nays being called for and ordered, there were

Ayes—5.

Nays—7.

Those voting in the affirmative, were

Messrs Scudder, Rankin, Chaffee, Whittemore and Barela.

Those voting in the negative, were

Messrs Steele, Wilhite, Noteware, Witter, Garcia, Chilcott and Mr Speaker.

So the resolution was

Not adopted.

Mr Chaffee offered the following resolution:

Resolved, That this House authorizes the engrossing clerk to elect an assistant, and that the Secretary be requested to furnish a desk for said clerk.

Ayes and nays being called for and ordered, there were

Ayes—12.

Nays—0.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker.

So the resolution was

Adopted.

Mr Chilcott moved to adopt the recommendation of the committee on incorporations to H B No. 53.

Carried.

Mr Noteware offered the following resolution:

Resolved, That the committee on "elections and apportionments," be requested to report at as early day as possible, a bill for apportionment.

Adopted.

Mr Chilcott moved that substitute for H B No. 53,

Be taken up,

Read first and second time,

The motion prevailed and the bill was read accordingly.

Mr Chilcott moved that the bill be engrossed and ordered to its third reading.

The motion was withdrawn.

Mr Chaffee moved to amend the bill by granting the charter for ten years.

Mr Witter moved to amend the amendment by the insertion of "five years."

The ayes and nays being called for and ordered, on the last amendment, there were

Ayes—7.

Nays—5.

Those voting in the affirmative, were

Messrs Rankin, Noteware, Whittemore, Witter, Barela, Garcia and Mr Speaker.

Those voting in the negative, were

Messrs Steele, Wilhite, Scudder, Chaffee and Chilcott.

So the amendment was

Adopted.

The ayes and nays being called for and ordered on the motion as amended, there were

Ayes—10.

Nays—2.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Noteware, Whittemore, Witter, Barela, Garcia and Mr Speaker.

Those voting in the negative were

Messrs Chaffee and Chilcott.

So the motion as amended was

Adopted.

Mr Chaffee moved that the House go into committee of the Whole upon the bills reported from the committee on Incorporation.

Mr Rankin moved to amend, by referring the bills to a select committee of three.

Lost.

The motion of Mr Chaffee was

Adopted.

Whereupon the House resolved itself into committee of the Whole. Mr Chaffee in the chair.

After some time spent therein, the committee rose, and through their chairman, Mr Chaffee, submitted the following report:

That they had had under consideration

H B No. 31, a bill for An act to incorporate the Tarryall and Arkansas River Road Company,

To which they had made various amendments, and recommended their adoption.

Also, H B No. 58, a bill for An act to incorporate the Swan River and Georgia Gulch water company.

To which they had made amendments, and recommended their adoption.

Also, H B No. 51, a bill for An act to incorporate the Boulder City lumbering company,

And recommended its adoption.

Also H B No. 64, a bill for An act to incorporate the Park Junction, Gregory and French Gulch road company,

To which they had made amendments, and recommended their adoption.

Also substitute for H B No. 53, a bill for An act incorporating the Apex and Gregory wagon road,

To which they had made amendments, and recommended that that they

Be adopted.

Mr Chaffee moved that the report of the committee of the Whole, with the exception of that part referring to substitute to H B No. 53, be adopted.

Lost.

Mr Witter moved to amend the motion so that the whole report

Be adopted.

The amendment prevailed, and the motion as amended was

Adopted.

Mr Chaffee moved that all the bills reported from the committee be ordered engrossed, with the exception of substitute for H B No. 53.

Mr Scudder moved to amend that all the bills be ordered engrossed.

The ayes and nays being called for and ordered, there were

Ayes—8.

Nays—5.

Those voting in the affirmative were

Messrs Wilhite, Scudder, Rankin, Noteware, Witter, Crocker, Garcia and Mr Speaker.

Those voting in the negative were

Messrs Steele, Chaffee, Whittemore, Barela and Chilcott.

So the amendment prevailed, and the motion as amended was

Adopted.

Mr Chilcott was called to the chair.

Mr Holly gave notice that he would, on to-morrow or some subsequent day, ask leave to introduce

A bill for An act legalizing certain proceedings, and for other purposes.

Mr Holly gave notice that he would, on to-morrow or some subsequent day, ask leave to introduce

A bill for An act relating to the General Assembly.

Mr Holly gave notice that on to-morrow, or some subsequent day, he would ask leave to introduce

A bill for An act establishing the mode of locating and changing county seats.

Mr Scudder gave notice that on Monday, or some subsequent day, he would introduce

A bill for An act to incorporate the Denver City Bank.

Mr Speaker resumed the chair.

Mr Chilcott, previous notice having been given, introduced

H B No. 68, a bill for An act to dissolve the bonds of matrimony between W. W. Silsby and Laura Silsby.

Mr Chilcott moved that the bill be

Read first and second time, by its title.

The motion prevailed and the bill was so read.

Mr Chilcott moved that the bill be referred to a special committee.

Carried.

The chair announced as such committee,
Messrs Crocker, Chilcott and Steele.

Mr Crocker, from the committee on Judiciary, presented the following report:

HOUSE OF REPRESENTATIVES,
October 5, 1861.

Mr. Speaker:

Your committee on Judiciary would report that they have examined C B No. 5, and recommended the same be amended by striking out the words "or subsequent" in last line of section 11, and by striking out the words "expressing the consideration" in section 12, and by striking out section 17, and with these amendments recommend its passage.

Your committee also recommend the passage of H B No. 62, and No. 45.

Your committee also recommend the passage of acts herewith submitted, entitled:

An act concerning attorneys and counsellors at law.
An act concerning chattel mortgages.
An act concerning costs.
An act concerning evidence and depositions.

An act concerning Justices of the Peace and Constables.

An act to establish the office of county attorney.

Respectfully submitted

GEO. F. CROCKER, Chairman.

Mr Rankin moved that the report be received, and that the bills be considered

Read first and second time,

And that they be engrossed and ordered to a third reading.

Carried.

Mr Crocker offered the following resolution:

Resolved, That the Engrossing Clerk be instructed to procure sufficient assistance to have bills engrossed one day after they are ordered engrossed.

The resolution was
Adopted.

Mr Crocker offered the following resolution:

Resolved, That the Public Printer be instructed to forthwith return to this House H B No. 19.

The resolution was
Adopted.

On motion,
The House adjourned to Monday, at 9 o'clock A. M.

HOUSE OF REPRESENTATIVES,
Friday, October 7, 1861.

House met pursuant to adjournment.
Speaker in the chair.
Prayer by the Chaplain.
Roll called.

Absent—Messrs Wilhite, Chaffee, Noteware, Witter, Crocker and Barela.

A quorum present.
Journal of Saturday's proceedings was read and corrected.

Mr Chilcott from the committee on engrossment made the following report:

Mr Speaker:

Your committee on engrossment beg leave to report H B No. 53, as correctly engrossed.

G. M. CHILCOTT, Ch'n.

Mr Crocker from committee on Judiciary, reported the following bills, and recommend their passage.

An act concerning amendments, and
An act concerning Venue.
An act concerning judgments and executions.

Mr Scudder, from special committee, presented the following report:

Mr Speaker:

The special committee to whom was referred H B No. 15, and H B No. 47, beg leave to report that they have carefully examined said bills and recommend the passage of H B No. 47, with some slight amendments made therein, and that H B No. 15,
Be laid on the table. (Signed,)

EDWIN SCUDDER, Chairman.
G. M. CHILCOTT.

Mr Crocker, from special committee, presented the following report:

Mr Speaker:

Your committee to whom was referred H B No. 68, would report that they have heard the evidence and find that said William W Silsby deserted his wife, Laura, wtthout any just cause or provocation, leaving her entirely destitute, and dependent on the charity of her neighbors and her own labor; that said William W. has returned to the States, and leaving the said Laura, and has not since corresponded with her, and said desertion has continued for the space of over two years.

Your committee therefore are of the opinion said bill should pass.

Respectfully,

GEORGE F. CROCKER, Ch'n.
G. M. CHILCOTT.
DANIEL C. STEELE.

Mr Rankin moved that the report of the special committee on H B No. 15, a bill for An act to charter and incorporate the City of Denver, and

H B No. 47, a bill for An act to incorporate the City of Denver be received and

Adopted.

Carried.

Mr Witter gave notice that on to-morrow or some subsequent day, he would introdcce

A bill for An act to dissolve the bonds of matrimony between Geo. W. Hightower and Eliza Hightower.

Mr Chilcott moved that the report of the special committee to whom was reterred

H B No. 68, a bill for An act to dissolve the bonds of matrimony between W. W. Silsby and Laura Silsby,

Be received and adopted.

Carried.

The following bills, were

Read a first time by their titles.

H B No. 69, a bill for An act concerning Justices and Constables.

Also H B No. 70, a bill for An act concerning chattel mortgages.

Also H B No. 71, a bill for An act to establish the office of county attorney, and define his duties.

Also H B No. 72, a bill for An act concerning evidence and depositions.

Also H B No. 73, a bill tor An act concerning costs.

Also A H No. 74, a bill for An act concerning attorneys and counsellors at law.

Also, H B No. 75, a bill for An act concerning judgments and executions.

Also, H B No. 76, a bill for An act concerning amendments and jeofails.

Also, H B No. 77, a bill for An act concerning venue.

Mr Chilcott, previous notice having been given, introduced

H B No. 78, a bill for An act to locate a territorial road from Denver City, via Pueblo and Colorado to Castillo, which was

Read first time by its title.

Also, H B No. 79, a bill for An act to locate a territorial road from Fort Wise, via Pueblo and Canon City, to Hamilton, which was

Read first time by its title.

The following bills were

Read second time, by their titles:
H B No. 69.
H B No. 70.
H B No. 71.
H B No. 72.
H B No. 73.
H B No. 74.
H B No. 75.
H B No. 76.
H B No. 77.
H B No, 78, and
H B No. 79.

Mr Whittemore moved that H B No. 78 and 79 be
Referred to committee on Roads and Bridges.
Carried.

Mr Crocker moved that
H B No. 69.
H B No. 70.
H B No. 71.
H B No. 72.
H B No. 73.
H B No. 74.
H B No. 75.
H B No. 76.
H B No. 77.
Be ordered engrossed, and
Read third time.
Carried.

Mr Crocker moved that H B No. 68, be considered engrossed, and
Read third time.
Carried.

Mr Chilcott, from the committee on engrossment, presented the following report:

Mr Speaker:

Your committee on engrossment beg leave to report H B No. 74, as correctly engrossed.

G. M. CHILCOTT, Chairman.

Mr Scudder moved that
H B No 47, a bill for An act to incorporate the City of Denver, be
Referred to the committee of the Whole.
Carried.

H B No. 53, a bill for An act to incorporate the Apex and Gregory road, was
Read third time by its title.

Mr Scudder moved that section 11 be stricken out.
The ayes and nays being called for and ordered, there were
Ayes—10.
Nays—2.

Those voting in the affirmative were
Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Barela, Garcia, Chilcott and Mr Speaker.
Those voting in the negative were
Messrs Witter and Crocker.
So the motion prevailed.
The question recurring on the final passage of the bill, there were
Ayes—12.
Nays—0.
Those voting in the affirmative were
Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
So the bill passed, and
Title agreed to.
H B No 68, a bill for An act to dissolve the bonds of matrimony between W. W, Silsby and Laura Silsby, was
Read third time.
The question recurring on the final passage of the bill, there were
Ayes—9.
Nays—3.
Those voting in the affirmative, were
Messrs Steele, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
Those voting in the negative were
Messrs Scudder, Rankin and Chaffee.
So the bill passed, and
Title agreed to.
The special order for the day,
H B No. 59, a bill for An act to define county boundaries and locate county seats,
Was taken up.
Mr Rankin moved that the bill be read by sections.
Carried.
Mr Barela moved to amend section 2, by striking out the name "Costilla," and insert "San Miguel de la Costilla."
Carried.
The word "Costilla" in sections 3 and 4 was changed to "San Miguel de la Costilla," to correspond with section 2.
Mr Witter moved that the further consideration of this bill be postponed until Wednesday.
Carried.
On motion of Mr Crocker, the House resolved itself into committee of the Whole, upon the bills ready for commitment.
Mr Crocker in the chair.

While the House was in committee of the Whole, a message from the Council was announced.
The Speaker resumed the chair.

The Speaker declined to receive the message, for the reason that, under the joint rules, the Sergeat-at-Arms was not authorized to deliver messages from the House.

Mr Crocker resumed the chair, as chairman of the committee of the Whole.

After some further time, the Sergeant-at-Arms of the Council was announced, with a message from the Council.

The Speaker resumed the chair.

The question was submitted to the House, whether the message should be received, as being delivered by an officer unauthorized by the rules.

The House decided that the message should not be received.

Mr Crocker resumed the chair, as chairman of the committee of the Whole.

After some time spent therein, the committee rose, and through their chairman, Mr Crocker, submitted the following report:

That they had had under consideration

H B No. 19, a bill for An act concerning practice in civil cases, and would report the same back with amendments, and recommend its passage.

Also H B No. 47, a bill for An act to incorporate the City of Denver, to which they had made various amendments, and would recommend their adoption.

Mr Scudder moved that the report be received and adopted. Carried.

The Speaker made the following announcement:

By virtue of authority in me vested by the rules of the House I hereby appoint Daniel Witter, Speaker *pro tem* of this House, for the rest of this day, to-wit: October 7th, 1861.

CHAS. F. HOLLY,
Speaker of the House of Representatives.

Mr Crocker moved that H B No. 19, be considered engrossed and ordered to its third reading.

Carried.

Mr Holly, previous notice having been given, introduced

A bill for An act establishing the mode of locating and changing county seats.

Mr Holly asked leave of absence for the remainder of the day. Leave was granted accordingly.

Mr Wilhite, from a special committee, presented the following report:

Mr. Speaker:

Your committee, to whom was referred H B No. 30, beg leave to report a substitute to the original bill, and would recommend the passage of the same.

Respectfully submitted.

E. S. WILHITE, Chairman.

Mr Crocker moved that C B No. 6, which was made the special order for Tuesday, be made the special order for Thursday.

The ayes and nays being called for and ordered, there were
Ayes—10.
Nays—2.

Those voting in the affirmative were
Messrs Steele Wilhite, Scudder, Chaffee, Noteware, Witter, Crocker, Barela, Garcia and Chilcott.
Those voting in the negative were
Messrs Rankin and Whittemore.
So the motion prevailed.
Mr Scudder, previous notice having been given, introduced
A bill for An act to incorporate the Denver City Bank.
Mr Wilhite, previous notice having been given, introduced
A bill for An act to dissolve the bonds of matrimony between Elizabeth Morris and Alex. T. Morris.
Mr Chaffee moved to adjourn to 2 P. M.
The ayes and nays being called for and ordered, there were
Ayes—5.
Nays—7.
Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Chaffee and Whittemore.
Those voting in the negative were
Messrs Rankin, Noteware, Witter, Crocker, Barela, Garcia and Chilcott.

So the motion was
Lost.

Mr Chaffee moved that H B No. 47, be ordered engrossed.
Carried.

Mr Scudder moved that the bill relative to the Denver City Bank, be
Read first and second time.
Mr Rankin moved to adjourn.
Mr Chaffee moved to amend by adjourning to 2 P. M.

The ayes and nays being called for and ordered, there were
Ayes—4.
Nays—8.
Those voting in the affirmative were,
Messrs Wilhite, Scudder, Chaffee and Whittemore.
Those voting in the negative were
Messrs Steele, Rankin, Noteware, Witter, Crocker, Barela, Garcia and Chilcott.

So the motion was
Lost.

Mr Chaffee moved to amend by adjourning to 1½ P. M.

Ayes and nays being called for and ordered, there were
Ayes—6.
Nays—6.
Those voting in the affirmative were
Messrs Wilhite, Scudder, Chaffee, Whittemore, Witter and Crocker.

Those voting in the negative were

Messrs Steele, Rankin, Noteware, Barela, Garcia and Chilcott.

So the motion was

Lost.

The question recurring on the original motion to adjourn, and

The ayes and nays being called for and ordered, there were

Ayes—3.

Nays—9.

Those voting in the affirmative, were

Messrs Steele, Wilhite and Chilcott.

Those voting in the negative, were

Messrs Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela and Garcia.

So the motion was

Lost.

Mr Rankin moved to adjourn to 2½ P. M.

Lost.

Mr Crocker moved that the bill relating to the Denver Bank be laid on the table until printed at the expense of those introducing it:

Ruled out of order.

Mr Crocker raised a point of order that the motion of Mr Scudder was out of order, as contrary to the rule providing for the printing of private bills.

The chair decided the point well taken.

Mr Chaffee appealed from the decision of the chair.

The question recurring on sustaining the decision of the chair, and

The ayes and nays being called for and ordered, there were

Ayes—3.

Nays—8.

Those voting in the affirmative were,

Messrs Steele, Noteware and Crocker.

Those voting in the negative were

Messrs Wilhite, Scudder, Rankin, Chaffee, Whittemore, Barela, Garcia and Chilcott.

So the decision of the chair was not sustained.

Mr Noteware moved to adjourn.

The ayes and nays being called for and ordered, there were,

Ayes—7.

Nays—5.

Those voting in the affirmative, were

Messrs Steele, Rankin, Noteware, Witter, Crocker, Barela and Garcia.

Those voting in the negative were,

Messrs Wilhite, Scudder, Chaffee, Whittemore and Chilcott.

So the House adjourned to 9 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
October 8, 1861.

House met pursuant to adjournment.
Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—Messrs Wilhite, Chaffee, Barela and Garcia.
A quorum being present
The Journal of preceding day was read, corrected and approved.
Mr Chilcott, from committee on Engrossment, presented the following report:

Mr Speaker:

Your committee on Engrossed Bills beg leave to report H B Nos. 16, 72, 70, 62, 66, 58, 73, 71, 64, 45, 51 and 31, also; J M No. 1, as correctly engrossed.

G. M. CHILCOTT, Chairman.

Mr Wilhite, from the committee on Enrollment, reported that they had examined H B No. 3, a bill for An act to incorporate the Blue River and Buffalo Fats ditch company, and found it correctly enrolled.

Mr Noteware, from select committee, presented the following report:

HOUSE OF REPRESENTATIVES,
Oct. 8th, 1861.

Mr Speaker:

The committee to whom was referred H B No. 36, a bill for An act to dissolve the bonds of matrimony between Gertrude W. Owens and W. F Owens, have had the same under consideration and would respectfully report:

Your committee has made dilligent and careful inquiries into the merits of this case, and believes the following to be facts, from which your committee has drawn the conclusion herewith presented. The wife, Gertrude W. Owens, at whose instigation this application for a divorce came before the Legislature, has, according to the best information before your committee, left the Territory, and gone to parts unknown to your committee. She is represented to be a person but poorly fitted to have care of the unfortunate child that has sprung from this unhappy union. The husband W. F. Owens returned to the States some time last summer and is now in Springfield Illinois. From evidence before your committee he is believed to cherish a true affection for his wife and child, and is truly mortified on account of the unhappy differences which separate them, and at her irregular conduct for the past few months; but he is represented to be a man of intemperate habits, and this infirmity wholly unfits him for the duties of a provident husband or affectionate father.

For these reasons your committee believes that the House should dismiss all further consideration of the subject and for the further reason that it is believed that the courts (where such subjects legitimately belong) would in this case grant only a divorce *a mensa et thora*, and appoint a guardian for their issue at the expense of the public. Those parties are certainly neither of them competent persons to contract marriage anew, and such a marriage on the part of either would not be likely to promote the general welfare.

A few considerations germain to this subject, and equally applicable to many similar cases, that will come before the honorable body over which you preside, has suggested themselves to your committee. Although marriage is regarded only as a *civil contract* in the eye of the law, it would seem that legislators, who are to some extent the custodians of the public welfare and property, cannot exercise too much vigilance or admit too cautiously, subjects that may have a tendancy to demoralize the people, or lower in public estimation the sacred ties of marriage. Of late years, divorces have been quite too frequent and easily obtained, throughout the United States, until marriage has come to be looked on by many as a tie that may be dissolved at the pleasure or convenience of either party. Without advancing the severity of our fathers, at least all philanthropists must desire a return in the direction of the more rigid customs that prevailed among them.

The old common law allowed only two kinds of divorces. The divorce *a vinculo matrimonii* was allowed in cases where the parties were not competent to contract marriage *ab initio*, and a divorce was not rendered necessary by any supervenient cases. The divorce *a mensa et thora* was allowed where the parties were competent to contract marriage in the beginning, but where supervenient cases had arisen that rendered it impossible for the parties to live together. In the latter case, *estovers* was allowed to the wife, and in case it was not paid, a writ of *de estoveriis habenetis* might be issued, compelling the payment. But in cases of elopement or living with another in adultery, the law allows no alimony. The law holds that a marriage is not *ipso facto* void, although there may have been irregularities attending its solemnization.

Your committee has dwelt at some length upon the earlier views upon this subject; they seem to have been founded upon sound reason and the general good of the people, and it is hoped by your committee that laws will be passed by this Legislature that will be founded upon these general principles. It is time that many of the States of this country have entirely disregarded divorces of the latter class, and in cases where they have allowed divorces, have made them full and complete. There are many cases, of which the present is one, where a divorce should not be complete, and allow the parties to contract marriage again, perhaps to be dissolved again if it does not suit the free love notions of the persons thus united.

Your committee are of opinion that the ideas a people may entertain of the sacredness of the marriage tie, is derived in a great

measure from the character of the legislation where they reside. If divorces are granted for frivolous and insufficient reasons, the domestic peace and happiness of the country are involved, and many will marry in haste, not to repent at leisure, or to make wedded life endurable when it is so easily changed.

Your committee is aware that a law which grants divorces reluctantly, may, in some instances be a hardship to deserving persons, but, in a great majority of the cases where the bonds of matrimony are sought to be dissolved, it would secure the ends of justice and promote the happiness and well-being of our whole people. Disaffection and uneasiness under the domestic yoke are failings peculiar to all new countries, and the Legislatures of all new Territories are importuned by legions of such persons for manumission from such domestic thraldom. It is also peculiar to a majority of such cases, that the private character of the individual making such application will not bear too close scrutiny, and legislators are obliged to lay aside the responsible character with which the people has clothed them, for higher purposes, to descend to the investigation of divorce cases.

Finally, your committee would earnestly recommend that this bill be indefinitely postponed, and that all future cases of a similar character, should, after investigation, be disposed of in a similar manner. As there is now no law by which divorces can be obtained in the courts, and some meritorious cases will undoubtedly be presented for the consideration of this Legislature, your committee would recommend that all cases of this kind be referred to a committee for examination, and if, after such investigation, they are found worthy, to take such action as the wisdom of the Legislature may dictate. Your committee recognizes the courts as the proper tribunal for the adjudication of such cases, and would further recommend that a wise and judicious law relating to divorce and alimony, be passed, for the guidance of the courts and the happiness and well being of our people.

All of which is respectfully submitted.

J. H. NOTEWARE, Select Committee.

Mr. Rankin moved that the further reading of the report be dispensed with, and the bill be indefinitely postponed.

Carried.

Mr Speaker made the following announcement:

SPEAKER'S CHAIR, October 8th, 1861.

I hereby appoint Daniel Witter, Speaker, *pro tem,* of this House for this day.

CHAS. F. HOLLY, Speaker H. R.

Mr Witter was called to the chair.

Mr Wilhite sent up the following notice:

W. W. SLAUGTER. ESQ.,

Dear Sir:—I appoint you as my first assistant enrolling clerk. You will please present yourself at the Speakers Desk at House of Representatives and be sworn.

Respectfully,

L. F. YATES, Enrolling Clerk.

Denver, October 7th, 1861.

Mr. Slaughter came foward and took the oath of office at the Speaker's Desk.

Mr Holly gave notice that on to-morrow, or some subsequent day, he would introduce a bill for an act to incorporate the St. Vrain Bridge company.

H B No 80 a bill for "An act to incorporate the Denver City Bank, was

Read first time by its title.

Also—H B No 81, a bill for "An act to divorce Elizabeth Morris from Alexander T. Morris. Also,

H B No 82, a bill for "An act establishing the mode of locating and changing county seats.

Mr Holly, previous notice having been given, introduced

H B No 83, a bill for "An act to legalize certain proceedings and for other purposes, which was

Read a first time.

The following, bills were read a second time by their titles:

H B No 80,
H B No 81,
H B No 82, and
H B No 83.

Mr Holly moved that H B No 82. be referred to committee on Counties and County lines.

Carried.

Mr Holly moved that H B No 83 be referred to committee on Judiciary

Carried.

Mr Holly asked leave of absence for the remainder of the day.

Leave was accordingly granted.

Mr Rankin called for the reading of H B No 80.

Mr Rankin moved that the further reading of the bill be dispensed with and the bill be indefinitely postponed.

Mr Noteware called for a division of the question.

The further reading of the bill was dispensed with.

The ayes and nays being called for and ordered on the motion to postpone indefinitely, there were

Ayes—7.

Nays—4.

Those voting in the affirmative were

Messrs Steele, Rankin, Whittemore, Witter, Crocker, Garcia and Chilcott.

Those voting in the negative were

Messrs Scudder, Chaffee, Noteware and Barela.

So H B No 80, was indefinitely postponed.

Mr Crocker moved that the motion be reconsidered and that that motion be laid on the table.

Carried.

C B No 5, a bill for "An act concerning fraudulent conveyances and contracts relative to real estate, was

Read a third time.

The question recurring on the final passage of the bill, there were

Ayes—10.

Nays—1.

Those voting in the affirmative were

Messrs Steele, Scudder, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott.

Mr Rankin voted in the negative.

So the bill passed and the title was agreed to.

Joint Memorial No 1, a memorial relative to school lands, was

Read a third time.

The question recurring on its final passage, there were

Ayes—7.

Nays—4.

Those voting in the affirmative were

Messrs Steele, Scudder, Noteware, Whittemore, Barela, Garcia, Chilcott.

Those voting in the negative, were

Messrs Rankin. Chaffee. Witter, Crocker.

So the memorial passed and the title was agreed to.

H B No 16, a bill for "An act relative to Notaries Public, was

Read a third time.

The question recurring on the final passage of the bill, there were

Ayes—11.

Nays—0.

Those voting in the affirmative, were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chillcott.

So the bill passed.

Title agreed to.

H B No 19, a bill for "An act concerning practice in civil cases,

Read third time.

The question recuring on the final passage of the bill, there were

Ayes—8.

Nays—3.

Those voting in the affirmative were

Messrs Steele' Scudder, Chaffee, Noteware, Crocker, Barela, Grcia, Chilcott.

Those voting in the negative were

Messrs Rankin, Whittemore and Mr Speaker.

So the bill passed, and the

Title was agreed to.

Substitute for H B No 30, a bill for An act to protect settlers and occupants of the public lands, was

Read a third time.

The question recurring on the final passage of the bill, there were,

Ayes—3.

Nays—8.

Those voting in the affirmative were

Messrs Steele, Noteware and Chilcott.

Those voting in the negative were

Messrs Scudder, Rankin, Chaffee, Whittemore, Crocker, Barela, Garcia and Mr Speaker.

So the bill did not pass.

H B No 31, a bill for An act to incorporate the Tarryall and Arkansas river road company, was

Read a third time by its title.

The question recurring on the final passage of the bill, there were,

Ayes—11.

Nays—0.

Those voting in the affirmative were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed, and the

Title was agreed to.

H B No 45, a bill for An act concerning warrants of cities and towns, was

Read a third time.

Mr Chaffee moved to add the following additional section:

"This act shall take effect and be in force from and after its passage."

Adopted.

The question recurring on the final passage of the bill, there were

Ayes—11.

Nays—0.

Those voting in the affirmative, were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed, and the

Title agreed to.

H B No. 57, a bill for An act to incorporate the Boulder City lumbering company, was

Read third time by its title.

The question recurring on the final passage of the bill, there were

Ayes—7.

Nays—5.

Those voting in the affirmative were

Messrs Steele, Chaffee, Noteware, Whittemore, Barela, Garcia and Chilcott.

Those voting in the negative, were

Messrs Wilhite, Scudder, Rankin, Crocker and Mr Speaker.

So the bill passed.

Title agreed to.

H B No. 58, a bill for An act to incorporate the Swan River and Georgia Gulch water company, was

Read third time, by its title.

The question recurring on the final passage of the bill, there were

Ayes—10.

Nays—2.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative, were

Messrs Rankin and Crocker.

So the bill passed, and the

Title agreed to.

H B No. 62, a bill for An act to regulate Weights and Measures, Was read third time.

The question recurring on the final passage of the bill, and

Ayes and nays being called for and ordered, there were,

Ayes—12.

Nays—0.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed and

Title agreed to.

H B No. 64, a bill for An act incorporating the Park Junction, Georgia and French Gulch road company, was

Read third time, by its title.

The question recurring on the final passage of the bill, there were

Ayes—11.

Nays—1.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Barela, Garcia, Chilcott and Mr Speaker.

Mr Crocker voting in the negative.

So the bill passed, and the

Title agreed to.

H B No 66, a bill for An act to create a lien in favor of ranchmen and others, was

Read third time.

The question recurring on the final passage of the bill, and

The ayes and nays being called for and ordered, there were

Ayes—12.

Nays—0.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill was passed and

Title agreed to.

H B No. 70, a bill for An act concerning chattel mortgages, was

Read third time.

Mr Crocker moved to fill the blank in the last line of sectio.. with "seventy-five cents," and to strike out section 5.

Carried.

The Secretary of the Council appeared and delivered the following message:

Message from the Council:

COUNCIL CHAMBER,
October 7th, 1861.

Mr Speaker:—

I am instructed by the Council to inform the House that the Council has passed

H B No. 28, "An act to incorporate the Denver, Bradford and Blue River road company,"

Without amendment.

Also, C B No. 11, "An act declaratory of the rights of occupants of the public domain, except as against the United States."

Also C B No. 13, "An act in relation to bonds and mortgages, and legal proceedings for their collection."

And respectfully ask your concurrence therein.

S. L. BAKER,
Sec. of the Council.

The question recurring on the final passage of H B No. 70, there were

Ayes—10.

Nays—2.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were

Mr Chaffee and Mr Speaker.

So the bill passed.

Title agreed to.

H B No. 71, a bill for An act to establish the office of County Attorney, and to define his duties, was

Read a third time.

Mr Chaffee moved to add the following additional section to the bill:

"This act shall take effect and be in force from and after its passage."

Carried.

The question recurring on the final passage of the bill, there were

Ayes—12.

Nays—0.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed.

Title agreed to.

H B No 72, a bill for An act concerning evidence and depositions, was

Read a third time by its title.

The question recurring on the final passage of the bill, there were

Ayes—12.

Nays—0.

Those voting in the affirmative were

Messrs Steele, Whilhlte, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott, Mr Speaker.

So the bill passed, and

Title agreed to.

H B No 73, a bill for An act concerning costs, was

Read third time by its title.

The question recurring on the final passage of the bill there were

Ayes—12.

Nays—0.

Those voting in the affirmative, were

Messrs Steele, Whilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott, Mr Speaker.

So the bill passed, and

Title agreed to.

H B No 14, a bill for An act concerning Attorneys and Counselors at law, was

Read third time, by its title.

The question recurring on the final passage of the bill, there were

Ayes—10.

Nays—1.

Those voting in the affirmative were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whitemore, Crocker, Barela, Garcia and Chilcott.

Mr Speaker voting in the negative.

So the bill passed, and the

Title was agreed to.

Mr Chaffee from the committee on Incorporations, reported back

H B No 29, a bill for An act to incorporate the Camp Weld and Denver City water company, and recommend its passage.

Mr Chaffee moved that the bill be referred to the committee of the Whole.

Carried.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, COLORADO TER.
Denver, October 4, 1861.

To the Speaker of the House of Representatives:—

SIR—I return to the House of Representatives the bill entitled: An act to dissolve the bonds of matrimony between Adam H. Bateman and Ellen C. Bateman, without my official approval.

I am unwilling to touch upon the rights of parties to a civil contract, who are entitled to trial by jury in all cases of doubtful facts, under judicial forms fixed by law.

Whilst the Legislslative Assembly possess the fullest power to prescribe the tribunals before which such contracts shall be tried; as well as to fix the forms of proceedings and conditions which shall work a dissolution; I recognize the sacred right reserved to the courts and to the juries of the people, to hear and decide upon the evidence in each case, to determine the facts, and to decree the disposition of infants and property.

Very respectfully,
WILLIAM GILPIN,

Mr Noteware presented a petition from W. E. Sisty and others, praying that a charter be granted to the town of Idaho.

Mr Noteware, previous notice having been given, introduced

H B No. 84, a bill for An act to incorporate and consolidate the town companies of Idaho and Grass Valley, under the name and style of Idaho town company, which was

Read first and second time by its title.

Mr Chaffee moved that the bill be referred to the committee of the whole.

On motion,

The House resolved itself into committee of the Whole upon bills ready for commitment.

Mr Wilhite in the chair.

A message from the Council was announced.

Whereupon the Speaker resumed the chair,

And the Secretary of the Council delivered the following message:

Message from the Council:

COUNCIL CHAMBER,
October. 8, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed

C B No. 14, a bill for "An act concerning conveyances of real estate."

Also, C B No. 17, a bill for "An act to regulate divorce and alimeny,"

And respectfully ask your concurrence therein.

S. L. BAKER, Secretary.

Mr Wilhite resumed the chair, as chairman of the committee of the Whole.

After some time spent therein the committee rose and through their chaiaman, Mr Wilhite, submitted the following report:

That they had had under consideration H B No 29, a bill for An act to incorporate the Camp Weld and Denver City ditch and water company, to which they had made amendments and would recommend their adoption;

Also, H B No. 84, a bill for An act to consolidate and incorporate the Idaho and Grass Valley town companies, under the name and style of the Idaho town company, and would recommend its passage.

Mr Scudder moved a call of the House.

A call of the House was not ordered.

Mr Noteware offered the following as an additional section to H. B. 84.:

"This act shall take effect and be in force from and after its passage."

Adopted.

Mr Scudder moved that the report of the committee of the Whole be received and adopted.

Carried.

On motion,

The House adjourned to 2 P. M.

AFTERNOON SESSION.

2 O'CLOCK P. M.

Speaker in the chair.

The following message from the Governor was received and read:

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
Denver, October 8th, 1861.

To the Speaker of the House of Representatives:

SIR:—I have this day approved and signed an act entitled:"

An act to incorporate the Blue River and Buffalo Flats ditch company."

Very respectfully,
WILLIAM GILPIN,
Governor of Colorado Territory.

Mr Crocker moved that the message of the Governor in relation to H B No. 14, be referred to a special committee.

Carried.

The chair announced as such committee

Messrs Crocker, Wilhite and Whittemore.

Mr Crocker moved that the bills reported from the Council this morning be

Read first and second time, by their titles, and

Referred to to their appropriate committees.

Carried.

C B No. 11, a bill for An act declaratory of the rights of occupants of the public domain, except as against the United States, was

Read first time by its title.

Also, C B No. 13, a bill for An act in relation to bonds and mortgages, and legal proceedings for their collection.

Also, C B No. 14, a bill for An act concerning conveyances of real estate.

Also, C B No. 17, a bill for An act to regulate divorce and alimony.

The following bills were read a second time by their titles:

C B No. 11;

Also, C B No. 13;

Also, C B No. 14;

Also, C B No. 17;

Mr Crocker moved that the bills be referred to the committee on Judiciary.

Carried.

Mr Wilhite moved to adjourn.

The motion was withdrawn.

Mr Chilcott, from committee on Engrossment, presented the following report:

Mr Speaker:

Your committee on Engrossed Bills beg leave to report H B No. 47, as correctly engrossed.

G. M. CHILCOTT, Chairman.

H B No. 47, a bill for An act to incorporate the city of Denver,

Was read a third time by its title.

The question recurring on the final passage of the bill, there were,

Ayes—12.

Nays—0.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed, and the

Title agreed to.

Mr Crocker offered the following resolution:

Resolved, That whenever a call of the House is ordered, the absentees be fined two dollars each, unless excused by the House, which shall be paid to the Sergeant-at-Arms.

The resolution was

Adopted.

Mr Wilhite moved thst the Sergeant-at-Arms be instructed to request the Secretary of the Territory to furnish the House with a clock.

Mr Rankin moved to lay the motion on the table.

The ayes and nays being called for and ordered, there were,

Ayes—3.

Nays—9.

Those voting in the affirmative, were

Messrs Steele, Scudder, Rankin.

Those voting in the negative were

Messrs Wilhite, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the motion was not laid on the table.

Mr Chaffee offered the following amendment:

"That the gentleman from the 3d and 4th (Mr Wilhite) furnish said clock at his expense."

The amendment was accepted.

The ayes and nays being called for and ordered on the motion as amended, there were

Ayes—5.

Nays—6.

Those voting in the affirmative were

Messrs Scudder, Rankin, Chaffee, Crocker and Garcia.

Those voting in the negative were

Messrs Steele, Noteware, Whittemore, Barela, Chilcott and Mr Speaker

So the motion as amended was not adopted.

Mr Chilcott, from the committee of Engrossment, presented the following report:

Mr Speaker:

Your committee on Engrossed bills begs leave to report, H B No's 41, 69, 75, 76 and 77, with some erasures and interlineations.

G. M. CHILCOTT, Ch'n.

Mr Crocker moved that the report be received, and the bills as reported by the committee be considered engrossed.

Carried.

Mr Noteware moved that the bills be read a third time.

Carried.

H B No 41, a bill for An act concerning criminal jurisprudence, was

Read third time by its title.

The question recurring on the final passage of the bill, there were

Ayes—11.

Nays—1.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Mr Rankin voted in the negative

So the bill passed.

Title agreed to.

H B No 69, a bill for An act concerning justices of the peace and constables, was

Read third time by its title.

The question recurring on the final passage of the bill, there were

Ayes—11.

Nays—1.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Mr Rankin voted in the negative.

So the bill passed.

Title agreed to.

H B No 76, a bill concerning amendments and jeofails, was

Read a third time by its title.

The question recurring on the final passage of the bill, there were

Ayes—9.

Nays—3.

Those voting in the affirmative were,

Messers Steele, Wilhite, Scudder, Chaffee, Noteware, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Rankin, Whittemore and Mr Speaker.

So the bill passed.

Mr Noteware moved to strike off the words "and jeofails" from the title

Lost.

The title was agreed to.

H B No 75, a bill for An act concerning judgments and executions, was

Read a third time by its title.

The question recurring on the final passage of the bill, there were,

Ayes—12.

Nays—none.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffée, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed, and the

Title was agreed to.

H B No 77, a bill for An act concerning venue, was

Read a third time.

The question recurring on the final passage of the bill, there were,

Ayes—12.

Nays—none.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed, and the

Title was agreed to.

Mr Wilhite moved to adjourn.

The ayes and nays being called for and ordered, there were

Ayes—10.

Nays—2.

Those voting in the affirmative were

Messrs Steele, Wilhite. Scudder, Rankin, Noteware, Whittemore, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were
Messrs Chaffee and Crocker.

So the House adjourned to 9 A. M., to-morrow.

HOUSE OF REPRESENTATIVES,
October 9, 1861.

House met pursuant to adjournment.
Speaker in the chair.
Roll called.
Absent—Messrs Wilhite, Rankin, Witter and Crocker.
A quorum being present
The Journal of preceding day was taken up for reading.
Mr Chaffee moved that the further reading of the Journal be dispensed with.

Mr Noteware moved a call of the House.
A call of the House being ordered, and Messrs Wilhite, Rankin, Witter and Crocker found absent, the Sergeant-at-Arms was dispatched for the absentees.
The Speaker made the following announcement:

SPEAKER'S CHAIR, HOUSE REP.,
October 9, 1861.

I hereby appoint J. B. Chaffee Speaker *pro tem*, of this House, for this day.

CHARLES F. HOLLY, Speaker H. R.

Mr Chaffee took the chair.
After some time spent under the call, Mr Wilhite appeared and took his seat.

Mr Holly moved that further proceedings under the call be dispensed with.

The further reading of the Journal was dispensed with.
Mr Holly moved a call of the House.
A call of the House was ordered, and Messrs Wilhite, Rankin, Noteware, Witter and Crocker found absent.

The Sergeant-at-Arms being absent,
Mr Holly moved that one of the clerks be specially deputized to bring in the absentees.
Carried.

The 1st Assistant was so deputized.
After some time spent under the call, Messrs Wilhite, Rankin and Noteware appeared and took their seats.

On motion,
Further proceedings under the call were dispensed with.
The Speaker, in accordance with a resolution passed on a preceding day, assessed fines on the absentees as follows;

J. H. Noteware, fined two dollars; Wm. A. Rankin, do.; G. F. Crocker, do.; Dan'l Witter, do.; E. S. Wilhite, do.

Mr Steele, from committee on Agriculture, presented the following report:

Mr. Speaker:

Your committee on Agriculture, to whom was referred H B No. 39, An act concerning lost goods and estrays,

And, Also—H B No 46, An act for the protection of farmers gardeners and Ranchmen, having had them under consideration, would report the same and recommend their passage.

DAN'L STEELE, Chairman.

Mr Steele from the committee on elections, presented the following report:

Mr Speaker:

Your committee on elections, and apportionment, to whom was referred

H B No 65, a bill for An act to provide for contested elections, having had the same under consideration, would report the same and recommend its passage.

DAN'L STEELE, Chairman.

Mr Scudder, from committee on ways and means; presented the following report:

Mr. Speaker:

Your standing committee on "Ways and Means," beg to report three bills from their department, as follows:

"An act to organize and establish the Treasury Department."

"An act providing for the collection of the Revenue."

"An act to provide for the expenses of the Territory of Colorado," and recommend their immediate passage.

EDWIN SCUDDER,
J. H. NOTEWARE.

Mr Holly gave notice that on to-morrow or some subsequent day, he would introduce a bill for an act to incorporate the Altonia town company.

Also, a bill for an act to incorporate St. Vrain, Altona, Boulder Mines, Gregory and Middle Park wagon road company.

Also, a bill for an act to incorporate the Bear Canon road company.

Mr Holly offered the following resolution:

Whereas, The Secretary of the Territory has hitherto been unable to furnish fuel for this House, and the Hall has become very uncomfortable, since the setting in of winter, so that it is impossible to transact business, and

Whereas, The Sergeant-at-arms has exhausted all the neighboring wood piles, and will soon incur the penalties of the criminal act now in progress of becoming the law of the Territory, and

Whereas, it is proper that the officers of this House should hereafter set good examples in furtherance of the cause of good morals, by a better observance of the ninth commandment, therefore

Resolved, That he be requested not to purloin any more fuel for the use of the Hall, but that that officer make an appeal to the combustible patriotism of the citizens of this place to contribute the necessary fuel to keep the members comfortable, so that they may find themselves in proper condition for the location of the capitol.

The resolution was withdrawn.

Mr Holly moved that the rules be suspended that he might introduce bills of which previous notice had not been given.

Mr Witter raised a point of order that the bills were of a character that they could not be introduced, under the rule of the House, until they had been printed.

The chair decided the point well taken.

The question recurring on the motion of Mr Holly, and the Ayes and nays been called for and ordered, there were

Ayes—1.

Nays—10.

Mr Garcia voted in the affirmative.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Rankin, Noteware, Whittemore, Witter, Barela, Chilcott and Mr Speaker.

So the motion was

Lost.

Mr Holly offered the following resolution:

Resolved, That the rules requiring private bills printed before introduction and action be hereby repealed.

So the resolution was

Adopted.

Mr Holly asked leave of absence for the day.

Leave was accordingly granted.

H B No. 29, a bill for An act to incorporate the Camp Weld and Denver City ditch and water company,

Was taken up for a third reading.

Mr Scudder moved that the third reading of H B No. 29, be deferred to some future time.

Carried.

H B No. 81, a bill for An act to dissolve the bonds of matrimony between Elizabeth Morris and Alexander T. Morris, was taken up for a third reading.

Mr Rankin moved to lay the bills on the table.

The ayes and nays being called for and ordered, there were

Ayes—5.

Nays—7.

Those voting in the affirmative were

Messrs Scudder, Rankin, Holly, Whittemore and Garcia.

Those voting in the negative were,

Messrs Steele, Wilhite, Noteware, Witter, Crocker, Barela and Chilcott.

So the motion was

Lost.

Mr Wilhite moved that the bill be referred to a special committee of three.

Carried.

The chair announced as such committee,

Messrs Wilhite, Rankin and Witter.

H B No 81, a bill for An act to consolidate and incorporate the Idaho and Grass Valley town companies, under the name and style of the Idaho town company,

Was taken up for a third reading.

Mr Wilhite asked leave of absence.

Leave was accordingly granted.

On motion,

The House adjourned to 2 o'clock P M.

AFTERNOON SESSION.

Mr Chaffee in the chair.

Mr Holly appeared and asked leave to withdraw the leave of absence obtained in the morning, which request was granted, and

Mr Holly was allowed to participate in the afternoon's proceedings.

H B No 84, a bill for An act to consolidate and incorporate the Idaho and Grass Valley town company, under the name and style of the Idaho town company, was

Taken up for a third reading.

The following message was received from the Council:

COUNCIL CHAMBER,
October 9, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed,

H B No 3, a bill for An act to incorporate the consolidated ditch company;

H B No 21, a bill for An act adopting the common law of England;

H B No 68, a bill for An act to dissolve the bonds of matrimony between William W. Silsby and Laura Silsby;

H B No 58, a bill for An act to incorporate the Apex and Gregory road company; without amendment.

S. L. BAKER, Sec'y of the Council.

Mr Crocker moved that the bill be indefinitely postponed.

The motion was withdrawn.

The question recurring on the final passage of H B No 84, there were,

Ayes—6.

Nays—6.

Those voting in the affirmative were

Messrs Steele, Wilhite, Noteware, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Scudder, Rankin, Chaffee, Whittemore, Witter and Crocker.

Mr Speaker was excused from voting.

So the bill did not pass.

Mr Whittemore moved that H B No. 59, a bill for An act to define county boundaries and locate county seats, which was made the special order for the day, be postponed until the Council bill on the same subject be received.

Carried.

Mr Wilhite moved that H B No. 25, a bill for An act to create a lien in favor of mechanics and others, be put upon its third reading and final passage.

Mr Crocker moved to amend, that the substitute for H B No. 25 be put on its third reading and final passage.

The amendment was accepted.

Mr Witter moved the following as an amendment to the motion:

That the bill and the substitute be referred back to the committee on Judiciary, with instructions to report a bill giving sub-contractors as well as contractors a lien.

Ruled out of order, as destroying the original motion.

The question recurring on the motion as amended, and

The ayes and nays being called for and ordered, there were

Ayes—8.

Nays—5.

Those voting in the affirmative were,

Messrs Steele, Scudder, Rankin, Noteware, Crocker, Barela, Garcia and Mr Speaker *pro tem.*

Those voting in the negative were

Messrs Holly, Wilhite, Whittemore, Witter and Chilcott.

So the motion as amended prevailed.

Substitute for H B No. 25, a bill for An act to create a lien in favor of mechanics, in certain cases, was

Taken up for a third reading.

Mr Steele moved that the vote by which H B No. 25, was ordered to its third reading, be reconsidered.

Ayes and nays being called for and ordered, there were

Ayes—6.

Nays—7.

Those voting in the affirmative were

Messrs Steele, Holly, Wilhite, Whittemore, Witter and Chilcott.

Those voting in the negative were

Messrs Scudder, Rankin, Noteware, Crocker, Barela, Garcia, and Mr Speaker *pro tem.*

So the motion was
Lost.

Mr Witter moved that the bill be referred to the committee on Judiciary, with instructions to incorporate a provision given sub-contractors a lien as well as contractors.

The ayes and nays being called for and ordered, there were
Ayes—6.
Nays—7.
Those voting in the affirmative were
Messrs Steele, Wilhite, Whittemore, Witter, Chilcott and Mr Speaker.
Those voting in the negative were
Messrs Scudder, Rankin, Chaffee, Noteware, Crocker, Barela and Garcia.
So the motion was
Lost.

Mr Holly moved to add sections 2. 3, 4, 5 and 6 of the original bill, as additional sections to the substitute, next preceding the last section, which contains the principle of a mechanic's lien for sub-contracts.

Mr Crocker moved to lay the motion on the table.
The ayes and nays being called for and ordered, there were
Ayes—7.
Nays—6.
Those voting in the affirmative were
Messrs Scudder, Rankin, Chaffee, Noteware, Crocker, Barela and Garcia.
Those voting in the negative were
Messrs Steele, Wilhite, Whittemore, Witter, Chilcott and Mr Speaker.
So the motion was laid on the table.
Substitute for H B No. 25, was
Read third time.
The question recurring on the final passage of the bill, there were
Ayes—5.
Nays—8.
Those voting in the affirmative, were
Messrs Scudder, Rankin, Chaffee, Noteware, Crocker and Garcia.
Those voting in the negative were
Messrs Steele, Wilhite, Whittemore, Witter, Crocker, Chilcott and Mr Speaker.
So the bill did not pass.

Mr Scudder moved that H B No. 85, H B No. 86, H B No. 87, and H B No. 88, be
Read first and second time, by their titles:

H B No 85, a bill for An act to incorporate the St. Vrain bridge company, was
Read first time by its title.

Also, H B No, 86, a bill for An act to provide for the expenses of Territory of Colorado.

Also, H B No. 87, a bill for An act to organize and establish the Treasury Department.

Also, H B No. 88, a bill for An act providing for the collection of the revenue.

The following bills were

Read second time, by their titles:

H B No. 85.

H B No. 86.

H B No. 87, and

H B No. 88.

On motion,

The bills were referred to the committee of the Whole.

Mr Crocker, from select committee to whom was referred the message of the Governor, presented the following report:

To the Honorable Speaker and Members of the House of Representatives:

Your committee, to whom was referred the message of the Governor, vetoing H B No. 24, would report:

From the Governor's message it appears that he does not consider divorce as a legitimate subject of legislative action, and considers that cases of this nature should be tried by a jury. Your committee, in some respects, differ with his Excellency, and think that though, as a general rule, in the morale of Chancellor Kent, "The question of divorce involves investigations which are properly of a judicial nature, and the jurisdiction over divorce ought to be confined exclusively to the judicial tribunals, under the limitations to be presented by law;" yet your committee, believing that circumstances alter cases, are of opinion that in a country like ours, without law and without courts, that a Legislature ought to act for the relief of citizens who are justly entitled to relief. Your committee consider that marriage is a civil contract, and that granting a divorce is merely a declaratory act, declaring that where one party has violated the conditions of the contract, the other shall not be bound thereby. In other civil contracts a violation of the conditions thereof by one party, releases the other party without any decree to that effect. Your committee consider that when the marriage act is violated in material matters by one party, the other should be freed therefrom, and when there are no courts and no law, cannot understand why a committee of either House is not as competent to mitigate the facts of a case, as a master in chancery, to whom the facts are usually referred in suits for divorce, and not to a jury.

When, as with us, there are no courts and no laws, and a woman has been wilfully deserted by her husband and left a stranger among strangers, far from friends and home, dependent upon her own labor and the charity of strangers for a subsistence, your committee conceive that a Legislature is not departing far from its legitimate sphere in granting her the relief which she is justly entitled to, and which she cannot otherwise obtain.

The question of divorce has always been a vexed one, and differently considered in different ages and different countries. In Roman

Catholic countries it has been esteemed a holy sacrament and indissoluble. In Rome the twelve tables gave the husband the discretionary power of divorcing his wife, yet the Republic existed four hundred years before the first instance under the law occurred.

In France divorces were unknown almost until the revolution, and then six thousand were granted in Paris in two years. By the English law, a divorce was allowed *"a vinculo,"* for adultery, until the XLIV Eliz., when it was decided in the Star Chamber that that was the only cause for a divorce *"a munsa et thoro,"* since when, until very recently, a marriage valid in its inception could not be dissolved for any cause, save by an act of Parliament. The Dutch and Scotch laws recognized but two causes of divorce *"a vinculo,"* adultery and seduction. The Code Napoleon allowed divorces upon mutual consent. In Virginia and South Carolina, the Legislature alone could grant a divorce. In most of the States, the courts can grant divorces for specified causes. But in different parts of the United States the question is differently viewed. In South Carolina, no divorce has been granted since the Revolution, and no longer ago than 1826, Congress, by the act of May 15th, annulled several acts granting divorces, passed by the Governor and Legislature of the Territory of Florida. But of late years, the Legislatures of Territories have granted many.

Your committee would recommend the passage of an act authorizing divorces to be granted by the courts, when we shall have courts, for such causes as are a palpable violation of the marriage contract. As, by the Organic Act, the Governor is vested with an absolute power and control over the action of the Legislature, (the usual clause giving the Legislature the power to pass an act by a two-thirds vote, the Governor's veto to the contrary notwithstanding, having been omitted in the Organic Act,) your committee would, regarding this bill, recommend to the House to make a virtue of necessity, and submit their opinions and wishes to the will of his Excellency.

Respectfully submitted,
GEO. F. CROCKER, Chairman.

Mr Wilhite gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act to create a lien in favor of mechanics and others.

Mr Holly moved that the report be laid on the table, ordered printed, and made the special order for Saturday, at 10 o'clock A.M.

Mr Rankin moved to adjourn.

The ayes and nays being called for and ordered, there were

Ayes—6.

Nays—5.

Those voting in the affirmative, were

Messrs Wilhite, Scudder, Rankin, Chaffee, Whittemore and Witter.

Those voting in the negative, were

Messrs Steele, Noteware, Crocker, Chilcott and Mr Speaker.

So the House adjourned to 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
October 10, 1861.

House met pursuant to adjournment.
Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—Messrs Steele and Crocker.
A quorum present.
Journal of Wednesday's proceedings was taken up for reading.
Mr Rankin moved that that part of the proceedings relating to the fines assessed on members be expunged from the Journal.
The ayes and nays being called for and ordered, there were
Ayes—6.
Nays—2.
Those voting in the affirmative were
Messrs Steele, Scudder, Whittemore, Barela, Garcia and Chilcott.
Those voting in the negative, were
Messrs Chaffee and Mr Speaker.
Messrs Noteware, Rankin, Witter and Wilhite were excused from voting.
So the motion prevailed.
The reading of the Journal was completed and the Journal approved.
Mr Chilcott, previous notice having been given, introduced
H B No. 89, a bill for An act to incorporate Canon City.
Also, H B No. 90, a bill for An act to incorporate the city of Pueblo.
Mr Chilcott was called to the chair.
Mr Holly, previous notice having been given, introduced
H B No. 91, a bill for An act to incorporate the Altona town company.
Also, H B No. 92, a bill for An act to incorporate the Bear River Canon road company.
Also, H B No. 93, a bill for An act to incorporate the St. Vrain, Altona, Boulder Mines, Gregory and Middle Park wagon road Co.
The above bills were
Read a first time by their titles:

The following bills were
Read a second time by their titles:

H B No. 89;
H B No. 90;
H B No. 91;
H B No. 92; and
H B No. 93.

Mr Chaffee moved that the several bills just read be referred to the committee on Incorporations.

Carried.

The Speaker resumed the chair.

H B No. 29, a bill for An act to incorporate the Camp Weld and Denver ditch company, was

Read third time.

Mr Wilhite moved to strike out section 1, and insert the following in lieu thereof:

"That C. M. Curtis, T. J. Bayaud, M. Walker, W. H. Middaugh, John P. Slough, S. H. Moer, W. N. Byers, the city of Denver, and their associates, successors and assigns, be, and are hereby incorporated as a company, under the name and style of the Camp Weld and Denver ditch and water company, by which name they may contract, buy and sell property necessary to construct their ditch, and carry on their business; may sue or be sued, plead or be impleaded."

The motion was

Adopted.

Mr Noteware moved to strike out section 2, and insert in lieu thereof, the following:

"That the company shall continue for the term of twenty years, and have power and the right to construct and operate a ditch for the conveyance of water from Curtis & Brother's dam, on South Platte River about three miles above Denver, or from a point within one mile above or below said point; thence along their ditch through the farms of Mr Clark and Curtis & Brother, to the "Old Spanish Diggings," so called, and thence along, upon or near the bluff to Camp Weld, and thence by such branches as they may deem necessary, to Denver."

Ayes and nays being called for and ordered, there were,

Ayes—9.

Nays—3.

Those voting in the affirmative were,

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Whittemore, Witter and Mr Speaker.

So the motion prevailed.

Mr Witter offered the following, as an additional section:

"Nothing in this act shall be so construed as to authorize the said company to issue any notes or bills, to circulate as money."

The ayes and nays being called for and ordered, there were

Ayes—2

Nays—10.

Those voting in the affirmative were,

Messrs Witter and Mr Speaker.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Barela, Garcia and Chilcott.

So the section was not adopted.

The question recurring on the final passage of the bill, there were,

Ayes—11.

Nays—1.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Barela, Garcia and Chilcott.

Mr Speaker voted in the negative.

So the bill passed, and the

Title was agreed to

H B No 39, a bill for An act concerning lost goods and estrays, was

Read a first time by its title.

Mr Witter moved that section 21 be stricken out.

Carried.

Mr Chaffee moved to add the following additional section:

"This act shall take effect and be in force from and after its passage."

Carried.

Mr Witter moved that section 19 be stricken out.

The ayes and nays being called for and ordered, there were

Ayes—7.

Nays—6

Those voting in the affirmative were

Messrs Wilhite, Rankin, Whittemore, Witter, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Steele, Scudder, Chaffee, Noteware, Crocker and Barela.

So the motion prevailed.

The question recurring on the final passage of the bill, there were

Ayes—13.

Nays—0.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed.

Title agreed to.

H B No 46, a bill for An act for the protection of farmers, gardners and ranchmen, was

Read third time.

The following message from the Council was received:

Message from the Council:

COUNCIL CHAMBER,
October 10, 1861.

Mr Speaker:—

I am instructed by the Council to inform the House that the Council refuse to concur in the amendments made by the House to

C B No 5, An act concerning fraudulent conveyances and contracts relative to real and personal property.

S. L. BAKER,
Sec. of the Council.

Mr Steele moved that the bill be referred to a special committee of three.

Carried.

The chair announced as such committee,

Messrs Steele, Witter and Chaffee.

H B No 65, a bill for An act to provide for contested elections, was

Read third time.

Mr Rankin moved to add the following additional section:

"This act shall take effect and be in force from and after its passage."

Carried.

The question recurring on the final passage of the bill, there were

Ayes—11.

Nays—2.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Chaffee and Noteware.

So the bill passed, and the

Title agreed to.

The motion of Mr Holly, which was pending on yesterday's adjournment,

"That the report of the select committee, to whom was referred the Governor's message vetoing the divorce bill, be laid on the table, ordered printed, and made the special order for Saturday at 10 o'clock A. M.,"

Was taken up.

Mr Chaffee called for a division of the question.

The part of the motion relating to laying the report on the table,

Prevailed.

That part ordering it printed, was

Lost.

That part relating to making it the special order for Saturday, was

Lost.

C B No. 6, a bill for An act to organize the militia, which was the special order of the day,

Was taken up.

Mr Chaffee moved that the bill be ordered to its third reading and final passage.

Mr Wilhite moved to lay the motion on the table.

Ayes and nays being called for and ordered, there were

Ayes—4.

Nays—9.

Those voting in the affirmative, were

Messrs Wilhite, Crocker, Chilcott and Mr Speaker.

Those voting in the negative, were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Barela and Garcia.

So the motion was

Lost.

Mr Wilhite moved that the bill be referred to the committee of the Whole.

The ayes and nays being called for and ordered, there were

Ayes—4.

Nays—9.

Those voting in the affirmative were

Messrs Wilhite, Crocker, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Barela and Garcia.

So the motion was

Lost.

Mr Witter was called to the chair.

Mr Holly moved that H B No. 32, a bill to organize the Colorado Volunteers, be substituted for C B No. 6.

Ruled out of order.

The ayes and nays been called for and ordered, on the motion of Mr Chaffee, there were

Ayes—10.

Nays—3.

Those voting in the affirmative were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore. Crocker Barela, Garcia and Mr Speaker.

Those voting in the negative, were

Messrs Holly, Wilhite and Chilcott.

So the motion prevailed.

Mr Wilhite moved to adjourn to 2 P. M.

The ayes and nays being called for and ordered, there were

Ayes—6.

Nays—7.

Those voting in the affirmative, were

Messrs Holly, Wilhite, Scudder, Crocker, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Steele, Rankin, Chaffee, Noteware, Whittemore Barela and Garcia.

So the House refused to adjourn.

C B No. 6, was

Read third time.

Mr Holly moved that H B No. 32, a bill for An act to organize the Colorado Volunteers, be substituted for C B No. 6.

Mr Holly moved to adjourn.

Mr Chaffee moved to amend by adjourning to 2 P. M.

The amendment was accepted.

Mr Crocker raised a point of order, that the amendment was out of order.

The chair ruled the point well taken.

Mr Holly appealed from the decision of the chair.
The question recurring on sustaining the decision of the chair.
The ayes and nays being called for and ordered, there were,
Ayes—4.
Nays—8.
Those voting in the affirmative, were
Messrs Rankin, Chaffee, Barela and Garcia.
Those voting in the negative were
Messrs Steele, Holly, Wilhite, Scudder, Noteware, Whittemore, Crocker, and Chilcott.
So the chair was not sustained.
The question recurring on the motion to adjourn as amended, and
The ayes and nays being called for and ordered, there were
Ayes—5.
Nays—8.
Those voting in the affirmative were
Messrs Steele, Holly, Scudder, Noteware and Chilcott.
Those voting in the negative were
Messrs Wilhite, Rankin, Chaffee, Whittemore, Crocker, Barela, Garcia and Mr Speaker.
So the motion as amended was
Lost.
During the remarks by Mr Holly, Mr Chaffee, called the gentleman to order for having spoken twice to the question before.
The chair decided that Mr Holly was in order.
Mr Rankin appealed from the decision of the chair.
The ayes and nays being called for and ordered, on sustaining the decision of the chair, there were
Ayes—8.
Nays—4.
Those voting in the affirmative were
Messrs Steele, Holly, Wilhite, Scudder, Whittemore, [Crocker, Garcia and Chilcott.
Those voting in the negative were
Messrs Rankin, Chaffee, Noteware and Barela.
Mr Wilhite moved to adjourn to 2 P. M.
Ayes and nays been called for and ordered, there were
Ayes—9.
Nays—4.
Those voting in the affirmative, were
Messrs Steele, Holly, Wilhite, Scudder, Noteware, Whittemore, Garcia, Chilcott and Mr Speaker, *pro tem.*
Those voting in the negative were
Messrs Rankin, Chaffee, Crocker and Barela.
So the House adjourned to 2 P. M.

AFTERNOON SESSION.

Mr Witter in the chair.
Mr Wilhite from the committee on Enrollment, reported that

they had examined H B No 28' a bill for An act to incorporate the Denver, Bradford and Blue River road company, and found it correctly enrolled.

During remarks being made by Mr Holly,

Mr Chaffee called the gentleman to order, on the ground that he had spoken twice to the question before.

The question being submitted to the House, and

The ayes and nays being called for and ordered, there were

Ayes—9.

Nays—3.

Those voting in the affirmative were,

Messrs Steele, Wilhite, Scudder, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker, *pro tem.*

Those voting in the negative were

Messrs Rankin, Chaffee and Noteware.

So Mr Holly was allowed to proceed.

Mr Chaffee moved to lay the substitute upon the table.

The following message was received from the Council:

COUNCIL CHAMBER,
October. 10, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed

C B No 25, a bill for An act to define county boundaries and to locate county seats in Colorado Territory.

C B No 20, a bill for An act concerning actions by persons holding lands, except as against the United States.

C B No 18, a bill for An act concerning descents and distributions.

And respectfully ask your concurrence therein.

S. L. BAKER, Secretary.

The motion of Mr Chaffee was withdrawn.

The question recurring on the motion of Mr Holly to substitute H B No 32 for C B No 6, and

The ayes and nays being called for and ordered, there were

Ayes—4.

Nays—9.

Those voting in the affirmative, were

Messrs Holly, Wilhite, Crocker, Chilcott.

Those voting in the negative, were

Messrs Steele, Scudder, Rankin Chaffee, Moteware, Whittemore, Barela, Garcia.

The question recurring on the final passage of C B No 6, there were

Ayes—8.

Nays—5.

Those voting in the affirmative were

Messrs Steele, Scudder, Rankin Chaffee, Noteware, Whittemore, Barela, Garcia.

Those voting in the negative were

Messrs Holly, Wilhite, Crocker, Chilcott and Mr Speaker.
So the bill was passed and
Title agreed to.
The Speaker resumed the Chair.
Mr Rankin gave notice that on to-morrow, or subsequent day, he would introduce a bill for An act concerning the statutes and legislative proceedings.
Mr Chilcott gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act to authorize certain persons to erect and keep a dam across the Arkansas River for certain purposes.
Mr Wilhite gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act relating to foreign contracts.
On motion,
The House adjourned to 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
Oct. 11th, 1861.

House met pursuant to adjournment.
Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—none.
Mr Chaffee asked leave of absence for the remainder of the week.
Leave of absence was accordingly granted.
A quorum being present, the journal of Thursday was read and corrected.
Mr Chilcott, from committee on Counties and County Lines, presented the following report:

Mr Speaker:

Your committee to whom was referred H B No. 82, have had the same under consideration, and beg leave to report the same without amendment, and recommend its passage.

G. M. CHILCOTT, Chairman.

Mr Wilhite, from committee on Enrollment, presented the following report:

Mr. Speaker:

The committee on Enrollment have examined and found correctly enrolled the following bills:
H B No. 53, a bill for An act to incorporate the Apex and Gregory wagon road.
H B No. 68, a bill for An act to dissolve the bonds of matrimony between William W. Silsby and Laura Silsby.
H B No. 21, a bill for An act adopting the common law of England.

E. S. WILHITE, Chairman.

Mr Notoware gave notice, that on to-morrow or some subsequent day, he would introduce

A bill for An act to incorporate the Idaho and Missouri City wagon road company.

Also, a bill for An act to incorporate the Clear Creek wagon road company.

Mr Wilhite moved that H B No. 82, a bill for An act establishing the mode of locating and changing county seats, be referred to the committee of the Whole.

Carried.

Mr Scudder gave notice that on to-morrow or some subsequent day, he would introduce A bill for An act to prevent and punish the making and passing of bogus gold dust.

Mr Notowsre gave notice that on to-morrow or some subsequent he would introduce a memorial to Congress for a U. S. Mint at Denver.

Mr Rankin, previous notice having been given, introduced

H B. No. 94, a bill for An act concerning the statutes and legislative proceedings, which was

Read a first time by its title.

Mr Chilcott, previous notice having been given, introduced

H B No. 95, a bill for An act empowering certain persons to erect and keep a mill dam across the Arkansas river, which was

Read a first time by its title.

C.B No. 18, a bill for An act concerning descents and distributions, was

Read first time by its title.

Also, C B No. 20, a bill for An act concerning actions of persons holding lands except as against the United States.

Also, C B No. 25, a bill for An act to define county boundaries and to locate county seats.

The following Council bills were

Read second time, by their titles:

C B No. 18;

C B No. 20;

C B No. 26.

Mr Rankin moved that C B No. 25 be made the special order for Monday.

Carried.

Mr Witter moved that C B No. 20, be referred to the select committee to whom was referred H B No. 46.

Carried.

Mr Crocker moved that C B No. 18, be

Referred to committee on Judiciary.

Carried.

The following House bills were

Read second time, by their titles:

H B No. 94.

H B No. 95.

Mr Rankin moved that H B No. 94, be

Referred to the committee on Judiciary.

Carried.

Mr Witter moved that H B No 95, be
Referred to committee on Incorporations.
On motion,
The House resolved itself into committee of the Whole upon bills ready for commitment.
Mr Crocker in the chair.
After some time spent therein, the committee rose and through their chairman, Mr Crocker presented the following report:
That the committee have had under consideration H B No. 22, bill for An act regulating the mode of proceedings in attachment in district courts to which they have made amendments and recommend their adoption.
Also H B No 85, a bill for An act to incorporate the Ft. St. Vrain bridge company, with an amendment, and recommend its adoption.
Also, H B No. 87, a bill for An act ro organize the Treasury Department.
Also that other business had been under consideration and would report progress and ask leave to sit again.

Mr Crocker moved that the report be adopted.

Carried.

Mr Wilhite from committee on enrollment presented the following report:

Mr Speaker:

The committee on enrollment ask leave to report that they have examined H B No. 3, entitled an act to incorporate the Consolidated ditch company, and report that the same is correctly enrolled.

Respectfully,
E. S. WILHITE, Chairman.

Mr Noteware gave notice that on to-morrow, or some subsequent day, he would introduce
A bill for An act to incorporate the Boulder County benevolent ditch company.
Mr Wilhite, from the committee on Territorial Affairs, presented the following report:

Mr Speaker:

Your committee on Territorial Affairs, to whom was referred the resolution upon the subject of a Territorial Seal, would respectfully report that they have examined the same and beg leave to report the following as a substitute:

Resolved, by the Council and House of Representatives, That the Secretary of the Territory be and he is hereby instructed to procure, for the use of the Territory of Colorado, a seal, to be two and a half inches in diameter, with the following device inscribed on the same:
"An Heraldic Shield, bearing in chief or on the upper portion of the same, upon a red ground, three snow-capped mountains, above surrounding clouds.
"Upon the lower part of the shield, upon a golden ground, a

miner's badge—being the same badge prescribed by the regular heraldic rules.

"As a Crest, above the shield, the eye of God—being golden rays proceeding from the lines of a triangle.

"Below the crest and above the shield, as a scroll, the Roman Fasces (the insignia of a Republican form of Government) bearing, on a band of red white and blue, the words 'Union and Constitution.' Below the whole the motto 'Nil Sine Numine,' (nothing without the Deity). The whole to be surrounded by the words 'Sigillum Territorio Coloradensis, (Seal of the Territory of Colorado) and the figures '1861.'"

All of which is respectfully submitted, and ask the concurrence of the House therein.

E. S. WILHITE, Chairman.

Mr Garcia gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act granting the exclusive right to Joseph M. Jaques and Joseph Victor Garcia to maintain a ferry boat across the Rio Grande at Paso del Puerto.

Mr Witter moved that the report of the committee on Territorial affairs be order printed.

On motion,

The House adjourned until 10 o'clock, to-morrow morning.

AFTERNOON SESSION.

2 O'CLOCK P. M.

Speaker in the chair.

Mr Crocker, from committee on Judiciary, introduced

H B No 96, a bill for An act to authorize the appointment of commissioner of deeds, which was

Read first and second time by its title.

Mr Wilhite, previous notice having been given, introduced

H B No 97, a bill for An act to create a lien in favor of mechanics and others, which was

Read first and second time, by its title.

Mr Crocker moved that

H B No 96, be ordered engrossed for its third reading.

The following message from the Council was received:

COUNCIL CHAMBER,
October 11, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed:

C B No 2, a bill to incorporate the Rocky Mountain and Pittsburg gold mining company;

C B No 12, An act to regulate and establish the rates of charges for publication of legal advertisements;

C B No 24, An act to authorize the appointment of referees in civil actions;

C B No 26, An act to dissolve the bonds of matrimony between Lydia G. C. Windecker and Conrad Windecker;

C B No 28, An act to dissolve the bonds of matrimony between Mary L. Tichenor and Philip K. Tichenor;

And respectfully request your concurrence therein.

S. L. BAKER, Sec'y of the Council.

The motion of Mr Crocker prevailed.

Mr Willhite moved that H B No 97 be considered engrossed, and ordered to its third reading.

Carried.

Mr Chilcott gave notice that on to-morrow or some subsequent day he would introduce a bill for an act to incorporate the Fort Garland, Conejos and Animos River road company.

Mr Willhite moved that the House adjourn to 9 A. M. Monday

Ayes and nays being called for and ordered, there were

Ayes—7.

Nays—5.

Those voting in the affirmative were

Messrs Wilhite, Scudder, Witter, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Steele, Rankin, Noteware, Whittemore and Mr Speaker.

So the motion prevailed and the House adjourned accordingly.

House of Representatives,
Monday, October 14, 1861.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—none.

A quorum being present

The Journal of Friday's proceedings was read and approved.

Mr Chaffee, from the committee on Incorporation presented the following report:

Mr. Speaker:

Your committee to whom was referred

H B No 95, would beg leave to report the same without amendment, and recommend its passage.

J. B. CHAFFEE, Ch'n.

Mr Chilcott, from commttee on counties and county lines, presented the following report:

Mr Speaker:

Your committee to whom was referred H B No 9, also H B No 18, also, H B No 48—have had the same under consideaation, and beg leave to report substitutes for the said bills.

G. M. CHILCOTT, Chairman.
W. A. RANKIN,
DAN'L STEELE,

The following Messages from the Governor were received and read:

EXECUTIVE DEPARTMENT, COLORADO TER.
Denver, October 11, 1861.

To the Speaker of the House of Representatives:—

SIR—I have approved and signed an act entitled An act to incorporate the Apex and Gregory wagon road company.

Very respectfully.
WILLIAM GILPIN.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
Denver, October 11th, 1861.

To the Speaker of the House of Representatives:

SIR—I have approved and signed an act adopting the common law of England.

An act to incorporate the Denver, Bradford and Blue River road company.

Very respectfully,
WILLIAM GILPIN,

Mr Wilhite offered the following resolution:

Whereas, His Excellency, Gov. Gilpin, has returned to this House an act which had passed both branches of the General Assembly without his approval, and, *whereas,* the Organic Act has omitted, it is understood by inadvertence merely, to make the usual provision for an act, thus vetoed, to become a law, notwithstanding the Governor's objection, even by any degree of unanimity of the Council and House of Representatives, and *whereas,* it is desirable to ascertain officially the alternative which remains in such case, therefore

Resolved, That his Excellency, the Governor of Colorado Territory, be respectfully requested if, not in his opinion incompatible with the public interest, to inform this General Assembly, whether, in case of the repassage of an act, by a two-third vote of each House, after the same has been returned with his objections thereto, he will then co-operate with this body and yield to it his official signature.

Resolved, That the Chief Clerk present his Excellency, the Governor, with a certified copy of these resolutions, and respectfully request his answer thereto at his earliest convenience.

Mr Crocker moved that the resolution be laid on the table.

Carried.

Mr Noteware gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to incorporate the Accidental Tunnel mining company, located in Union district.

Also, a bill for An act to incorporate the Empire tunnel company, in Union district.

Mr Witter gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act concerning marriage and the relations of husband and wife.

Mr Noteware, previous notice having been given, introduced

H B No. 100, a bill for An act to incorporate the Clear Creek wagon road company.

Also, H B No. 101, a bill for An act to incorporate the Idaho and Missouri City wagon road company.

Also, joint memorial No. 2, a memorial to Congress for the establishment of a branch of U. S. Mint at Denver.

Mr Garcia, previous notice having been given, introduced H B No. 99, a bill for An act granting the exclusive right to Joseph M. Jacques and Joseph V. Garcia, to maintain and keep a ferry across the Rio Grande at Paso del Puerto.

Mr Chilcott, previous notice having been given, introduced H B No. 98, a bill for An act to incorporate the Fort Garland, Conejos and Animos River road company.

Mr Crocker, from committee on Judiciary, presented the following report:

To the Honorable Speaker and Members of the House of Representatives of Colorado Territory:

Your committee on Judiciary would recommend the passage of C B's Nos. 11 and 18, with amendments thereto annexed by the committee, and against the passage of C B No. 13, and herewith report An act entitled An act concerning divorce and alimony, the passage of which they recommend in lieu of C B No. 17.

Your committee would recommend that J R No 3 be amended, by adding thereto the words, "or relates exclusively to mining claims."

Your committee would report back H B's No 13 and No 83, without recommendation, as they entertain doubts as to the power of the Legislature to pass such an act; but your committee will say they think the passage of some similar act, if the Legislature has the power, would be beneficial to the people of the Territory.

Your committee would report back H B No 26, and recommend that it be referred to the committee on elections and said committee instructed to report an act providing for elections, and that something similar to the provisions of this act be embodied therein.

Your committee are of the opinion that imprisonment for debt would be against the interests of the Territory, and recommend that

all of H B No 36 be stricken out, except the enacting clause, and the following inserted:

"There shall be no imprisonment or arrests for debt in this Territory in any case."

Your committee would report back H B No 12, and recommend that the same be indefinitely postponed, as they do not think the Legislature has any jurisdiction therein, Congress having already, to some extent, regulated the subject matter thereof by statute.

Your committee do not consider H B No 60, sufficiently explicit in its details, and report an act herewith, entitled An act concerning wills, exectors and administrators, in lieu thereof.

Your committee recommend the passage of H B No 43, and report against the passage of H B No 67.

Your committee report herewith bills entitled:

An act concerning advertisements.

An act concerning probate courts

An act concerning sheriffs and coroners.

And recommend their passage.

GEO. F. CROCKER, Chairman.

H B No 98, a bill for An act to incorporate the Fort Garland, Conejos and Animos River road company, was

Read first time, by its title.

Also, H B No 99, a bill for An act granting the exclusive right to Joseph M. Jaques and Joseph V. Garcia to keep a ferry across the Rio Grande at Paso del Puerto.

Also, H B No 100, a bill for An act to incorporate the Clear Creek wagon road company.

Also H B No. 101, a bill for An act to incorporate the Idaho and Missouri City company.

Also, Joint Memorial No. 2, a memorial to Congress for the establishment of a branch of the United States Mint at Denver.

The following Council Bills were

Read first time by their titles:

C B No. 2, a bill for An act to incorporate the Rocky Mountain and Pittsburg gold mining company.

Also, C B No. 12, a bill for An act to regulate and establish the rates of charges for publication of legal advertisements.

Also, C B No. 24, a bill for An act to authorize to the appointment of referees in civil actions.

Also, C B No. 26, a bill for An act to dissolve the bonds of matrimony between Lydia G. C. Windecker and Conrad Windecker.

C B No. 28, a bill for An act to dissolve the bonds of matrimony between Mary L. Tichner and Phillip K. Tichner.

The following Council Bills were

Read second time, by their titles:

C B No. 2.

C B No. 12.

C B No. 24.

C B No. 26, and

C B No. 28.

The following House bills were
Read second time, by their titles:
H B No. 98.
H B No. 99.
H B No. 100, and
H B No. 101.
Joint Memorial No. 2.

H B No. 22, a bill for An act regulating the mode of proceedings in attachment in the district courts, was
Read a third time by its title.
Mr Crocker offered the following as an additional section:
"Nothing in this act shall be construed to require notices to be pbblished when the writ is returned personally served on the defendant or defendants."
The section was
Adopted.
The question recurring on the final passage of the bill there were
Ayes—13.
Nays—0.
Those voting in the affirmative, were
Messrs Steele, Whilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott, Mr Speaker.
So the bill passed, and the
Title agreed to.

H B No. 85, a bill for An act to incorporate the Ft. St. Vrain bridge company, was
Read a third time by its title.

The question recurring on the final passage of the bill, there were,
Ayes—11.
Nays—2.
Those voting in the affirmative, were
Messrs Steele, Wilhite, Scudder, Rankin Chaffee, Noteware, Whittemore, Crocker, Garcia, Chilcott and Mr Speaker.
Those voting in the negative were,
Messrs Witter and Barela.
So the bill passed, and
Title agreed to.

Mr Chaffee moved that H B No. 95, a bill for An act empowering certain persons to erect and keep a mill dam across the Arkansas River, be referred to the committee of the Whole.
Carried.

H B No. 97, a bill for An act to create a lien in favor of mechanics and others, was
Read third time by its title.
Mr Wilhite moved to strike out section 2 and insert in lieu thereof the following:
The lien shall extend to all work done and material furnished, within three months previous to the passage of this act, under the provisions of the contract, whether the kind of quality of the work or amount to be paid be specified or not, provided that the time of

payment be not extended beyond the period of six months from the time stipulated for the complexion of the contract.

The section was

Not adopted.

Mr Witter offered the following as additional sections to come in after section 1, 2, 3, 4, 5 and 6 of H B No 25, given a lien to sub-contractors.

Mr Rankin moved to lay the amendment on the table.

The ayes and nays being called for and ordered, there were

Ayes—4.

Nays—9.

Those voting in the affirmative were

Messrs Wilhite, Rankin, Chaffee and Noteware.

Those voting in the negative were

Messrs Steele, Scudder, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the motion was

Lost.

The question recurring on the amendment of Mr Witter, and

The ayes and nays being called for and ordered, there were

Ayes—8.

Nays—5.

Those voting in the affirmative were

Messrs Steele, Wilhite, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were,

Messrs Scudder, Rankin, Chaffee, Noteware and Crocker.

So the amendment was

Adopted.

Mr Chaffee moved to refer the bill to a special committee of three.

The ayes and nays being called for and ordered, there were

Ayes—4.

Nays—9.

Those voting in the affirmative were

Messrs Rankin, Chaffee, Whittemore and Barela.

Those voting in the negative, were

Messrs Steele, Wilhite, Scudder, Noteware, Witter, Crocker, Garcia, Chilcott and Mr Speaker.

So the motion was

Lost.

The question recurring on the final passage of the bill there were

Ayes—6.

Nays—7.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Witter, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker and Barela.

So the bill did not pass.

The House resolved itself into committee of the Whole, on the special order of the day,

C B No 25, a bill for An act to define county boundaries and locate county seats in Colorado Territory.

Mr Scudder in the chair.

The following message from the Council was announced:

Speaker resumed the chair.

COUNCIL CHAMBER,
October 14, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed

C B No 27, An act to incorporate the Cold Spring Valley road company.

And respectfully ask your concurrence therein.

S. L. BAKER, Secretary.

Mr Scudder, as chariman of committee of the Whole, resumed the chair.

After some time spent in committee of the Whole, the committee rose and through their chairman, Mr Scudder, reported that they had had the bill under consideration, and would report the same back without recommendation.

Mr Witter moved that the further consideration of C B No. 25 be postponed to Wednesday night.

The ayes and nays being called for and ordered, there were

Ayes—10.

Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Chaffee, Noteware, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Scudder, Rankin and Crocker.

So the motion prevailed.

Mr Chaffee moved that C B No. 2 be referred to committee on Incorporations.

Carried.

Mr Chaffee moved that C B Nos. 12 and 24 be referred to committee on Judiciary.

Carried.

Mr Noteware moved that H B Nos. 98, 99, 100, 101, and J M No 2, be referred to the committee of the Whole.

Lost.

Mr Rankin moved that H B Nos. 26 and 28 be referred to a special committee.

Carried.

The chair announced as such committee,

Messrs Rankin, Crocker and Wilhite.

Mr Chilcott moved that H B Nos. 98, 99, 100 and 101, be referred to committee on Incorporations. Carried.

Mr Garcia moved to amend so that H B No. 98 be referred to committee on Territorial Affairs.

The amendment prevailed, and

The motion as amended was adopted.

Mr Chaffee moved that Joint Memorial No. 2 be referred to a special committee.

Carried.

The chair announced as such committee,

Messrs Chaffee, Noteware and Scudder.

Mr Chaffee gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act creating a lien in favor of mechanics in certain cases.

Mr Rankin gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to incorporate the Kansas, Santa Fe, Canon City and Colorado Express Company.

Also, of a bill for An act to establish a lawful tender for the Territory of Colorado.

Mr Chilcott gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act to incorporate the Canon City, San Juan and Grand River wagon road company.

Mr Crocker moved that the House insist on its amendment to C B No. 5.

The ayes and nays being called for and ordered, there were

Ayes—13.

Nays—0.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the motion prevailed.

Mr Witter gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act creating homesteads.

Mr Chilcott, from committee on Counties and County lines, presented the following report:

Mr Speaker:

Your committee, to whom was referred H B No. 33, An act defining the political and corporate powers of towns and the duties of town officers, have had the same under consideration and beg leave to recommend its indefinite postponement.

G. M. CHILCOTT, Chairman.

Mr Crocker moved that the report be adopted.

Carried.

Mr Chilcott, from the committee on Engrossment, presented the following report:

Mr. Speaker:

Your committee on engrossed bills, beg leave to report H B No. 96, as correctly engrossed.

G. M. CHILCOTT, Chairman.

On motion,
The House adjourned to 2 P. M.

AFTERNOON SESSION:

2 O'CLOCK P. M.

Speaker in the chair.
Mr Crocker moved a call of the House.
A call of the House being ordered, and
Messrs Steele, Chaffee, Noteware, Whittemore and Barela were found absent.
The Sergeant-at-Arms was dispatched for the absentees.
After some time spent under the call,
Messrs Chaffee, Noteware and Steele appeared and took their seats.
Mr Chilcott moved that further proceedings under the call be dispensed with.
Carried.
Mr Crocker moved that
C B No 27, a bill for An act to incorporate the Cold Spring Valley road company, be read a first and second time by its title, and referred to the same committee to whom was referred H B No 54.
Carried.
The bill was so read, and referred accordingly.
Mr Scudder moved that
H B No 13, be taken up for a third reading.
Carried.
Mr Chaffee moved that the bill lay on the table.
Carried.
Mr Chaffee, from Special committee, reported
H B No 44, a bill for An act to dissolve the bonds of matrimony between Esther Ann Musser and Joseph T. Musser, and recommend that it be indefinitely postponed.
Mr Crocker moved to recommit the bill to the committee, with instructions to report in accordance with the rules of the House.
Mr Rankin moved to lay the motion on the table.
Ayes and nays being called for and ordered, there were
Ayes—7.
Nays—5.
Those voting in the affirmative were
Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Barela, and Garcia.
Those voting in the negative were

Messrs Wilhite, Witter, Crocker, Chilcott and Mr Speaker.
So the motion prevailed.
Mr Chaffee moved that the bill be indefinitely postponed.
Ayes and nays being called for and ordered, there were
Ayes—7.
Nays—5.
Those voting in the affirmative, were
Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Barela and Garcia.
Those voting in the negative were
Messrs Wilhite, Witter, Crocker, Chilcott and Mr Speaker.
So the motion prevailed.
Messrs Whittemore and Wilhite, who were absent during the call of the House, were excused.
Mr Chilcott moved that Mr Barela be excused.
Ayes and nays being called for and ordered, there were,
Ayes—11.
Nays—0.
Those voting in the affirmative were,
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Witter, Crocker, Garcia, Chilcott and Mr Speaker.
So Mr Barela was excused.
Mr Chaffee moved that the gentleman from the 6th district be excused.
The ayes and nays being called for and ordered, there were
Ayes—7.
Nays—4.
Those voting in the affirmative were
Messrs Steele, Wilhite, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
Those voting in the negative, were
Messrs Scudder, Rankin, Noteware and Witter.
So the motion prevailed.
Mr Witter moved that Mr Noteware be excused.
The ayes and nays being called for and ordered, there were
Ayes—6.
Nays—5.
Those voting in the affirmative were
Messrs Steele, Wilhite, Witter, Barela, Garcia and Chilcott.
Those voting in the negative were
Messrs Scudder, Rankin, Chaffee, Crocker and Mr Speaker.
So the motion prevailed.
Mr Rankin moved that the rule, fining members during a call of the house, be rescinded.
Lost.

Mr Scudder gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act to incorporate the Colorado irrigating ditch and mill company.

Mr Wilhite gave notice that on to-morrow or some subsequent day, he would introduce a bill for An act to incorporate the Clear

Creek and Platte River ditch and water company.

On motion,

The House resolved itself into committee of the Whole, upon bills ready for commitment.

Mr Chaffee in the chair.

After some time spent therein, the committee rose and through their chairman, Mr Chaffee, made the following report:

That the committee have had under consideration

H B No 88, a bill for An act to provide for the collection of the revenue, and recommend its passage without amendment.

Also, H B No 86, a bill for An act to provide for the expenses of the Territory of Colorado, and recommend its passage without amendment.

On motion,

The House adjourned to 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
Oct. 15th, 1861.

Speaker in the chair.

Roll called.

Absent—none.

A quorum being present

The Journal of Monday's proceedings was read and corrected.

The Speaker presented a petition from P. M. Housel and 100 others, praying for the passage of An act confirming the action of the people in establishing courts and recording offices.

Mr Chaffee offered the following resolution:

Resolved, That this House will take no further action on private bills until Oct. 28th inst.

The ayes and nays being called for and ordered, there were,

Ayes—9.

Nays—4.

Those voting in the affirmative, were

Messrs Steele, Scudder, Rankin, Chaffee, Whittemore, Witter, Crocker, Barela and Mr Speaker.

Those voting in the negative were

Messrs Wilhite, Noteware, Garcia and Chilcott.

So the resolution was

Adopted.

Mr Chaffee offered the following resolution:

Resolved, That a special committee be appointed to determine what bills have already passed, and those in progress of passage in both branches of this Legislature, and to report the same to this

House, and also to report what is necessary to perfect, as near as possible, a complete code of laws for this Territory.

The resolution was

Adopted.

The chair announced as such committee,

Messrs Chaffee, Witter, Willhite, Crocker and Chilcott.

Mr Chaffee, previous notice having been given, introduced

H B No. 109, a bill for An act to create a lien in favor of mechanics, in certain cases.

Mr Witter raised a point of order that the bill could not be introduced, because one with the same title had been once rejected.

The chair decided the point not well taken.

Objections being made to the introduction of the bill, the question was submitted to the House whether leave should be granted for its introduction.

Leave was granted, and H B No. 109, was acccordingly introduced, and

Read a first time by its title.

Substitute for H B No. 60, a bill for An act concerning wills, executors and administrators, was

Read a first time by its title.

Also, H B No. 103, a bill for An act concerning Probate Courts.

Also, H B No. 104, a bill for An act concerning Sheriffs and Coroners.

Also, H B No. 105, a bill for An act concerning legal advertisements.

Also, H B No. 106, a bill for An act concerning divorces and alimony.

Also, H B No. 107, a bill for An act relating to counties and county officers.

Also, H B No. 108, a bill for An act regulating elections.

Mr Witter, previous notice having been given, introduced

H B No. 110, a bill for An act concerning marriage and the relations of husband and wife.

The following House bills were

Read second time, by their titles:

Substitute for H B No. 60.

H B No. 103,

H B No. 104,

H B No. 105,

H B No. 106,

H B No. 107,

H B No. 108,

H B No. 109, and

H B No. 110.

H B No. 86, a bill for An act to provide for the expenses of the Territory of Colorado, was

Read a third time.

The question recurring on the final passage of the bill, there were,
Ayes—11.
Nays—1.
Those voting in the affirmative, were
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Whittemore, Witter, Crocker, Garcia, Chilcott and Mr Speaker.
Mr Noteware voted in the negative.
So the bill passed, and
Title agreed to.
H B No. 88, a bill for An act providing for the collection of the revenue, was
Read third time by its title.
Mr Witter moved to amend the bill as follows:

Amend Sec. 3, by striking out the clause "ferry franchise" which for the purposes of this chapter are to be considered real property, mining, ranche and farming claims, ditches and flumes," and inserting instead thereof, ferry franchises which for the purposes of this chapter are to be considered real property, ranche and farming claims, ditches and flumes.
Also, in section 18, strike out the clause, "number and value of mining claims."
The ayes and nays being called for and ordered, there were
Ayes—6.
Nays—7.
Those voting in the affirmative, were
Messrs Rankin, Chaffee, Whittemore, Witter, Crocker and Mr Speaker.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Noteware, Barela, Garcia and Chilcott.
So the amendment was
Not adopted.
The question recurring on the final passage of the bill, there were
Ayes—9.
Nays—4.
Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were
Messrs Rankin, Chaffee, Witter and Mr Speaker.
So the bill passed, and the
Title agreed to.

H B No. 96, a bill for An act to authorize the appointment of commissioner of deeds, was
Read third time.

The question recurring on the final passage of the bill, there were,
Ayes—13.
Nays—0.
Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed.

Title agreed to.

Mr Crocker moved that the report from the committee on Judiciary of yesterday be received and adopted.

Carried.

Mr Whittemore moved that the vote on the final passage of H B No. 97, a bill for An act to create a lien in favor of mechanics in certain cases, be reconsidered.

Ayes and nays being called for and ordered, there were

Ayes—7.

Nays—6.

Those voting in the affirmative were

Messrs Wilhite. Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative, were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware and Crocker.

So the vote was reconsidered.

Mr Chaffee moved to reconsider the vote by which sections 2, 3, 4, 5 and 6, of H B No. 25, were added to the bill.

The ayes and nays being called for and ordered, there were

Ayes—6.

Nays—7.

Those voting in the affirmative were

Messrs Wilhite, Scudder, Rankin, Chaffee, Noteware and Crocker.

Those voting in the negative were,

Messrs Steele, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker.

So the vote was not reconsidered.

Mr Chaffee moved to lay the bill on the table.

The ayes and nays being called for and ordered, there were

Ayes—6.

Nays—7.

Those voting in the affirmative were

Messrs Wilhite, Scudder, Rankin, Chaffee, Noteware and Crocker.

Those voting in the negative were

Messrs Steele, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker.

So the motion did not prevail.

Mr Rankin moved that the bill be made the special order for Saturday at 2 P. M.

The ayes and nays being called for and ordered, there were

Ayes—6.

Nays—7.

Those voting in the affirmative were

Messrs Wilhite, Scudder, Rankin, Chaffee, Noteware and Crocker.

Those voting in the negative, were

Messrs Steele, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker.

So the motion was

Lost.

Mr Rankin moved to adjourn to 2 P M.

Ayes and nays been called for and ordered, there were

Ayes—4.

Nays—9.

Those voting in the affirmative, were

Messrs Scudder, Rankin, Chaffee and Crocker.

Those voting in the negative were

Messrs. Steele, Wilhite, Noteware, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker.

So the House refused to adjourn.

Mr Rankin moved that the further consideration of the bill be postponed until Thursday.

The ayes and nays being called for and ordered, there were

Ayes—7

Nays—6.

Those voting in the affirmative were

Messrs Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore and Crocker.

Those voting in the negative, were

Messrs Steele, Witter, Barela. Garcia, Chilcott and Mr Speaker

So the motion prevailed.

Mr Wilhite moved to adjourn.

The ayes and nays being called for and ordered, there were

Ayes—3.

Nays—10.

Those voting in the affirmative, were

Messrs Wilhite, Scudder and Barela.

Those voting in the negative were

Messrs Steele, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Garcia, Chilcott and Mr Speaker.

So the motion did not prevail.

On motion,

The House resolved itself into committee of the Whole upon the general file.

Mr Scudder in the chair.

After sometime spent therein, the committee rose, and through the chairman, Mr Scudder, reported as follows:

That the committee had had under consideration

H B No 87, a bill for An act to organize the Treasury Department, to which they had made amendments, and reported progress thereon.

On motion,

The House adjourned to 2 P. M.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

Speaker in the chair.

Mr Witter gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to incorporate churches, seminaries of learning, benevolent associations, agricultural societies and other organizations, of a like nature.

Mr Chilcott, from committee on County and County lines, made the following report:

Mr Speaker:

Your committee to whom was referred H B No. 34, have had the same under consideration, and ask leave to report the same with the following amendments: By adding an additional section; also, by striking out "five per cent" in sheriffs fees, and insert "two and a half per cent" for collecting all sums under five hundred dollars, and on all sums over five hundred and under one thousand, "one and a half per cent" instead of "three per cent' and on all sums over one thousand dollars, "one per cent" instead of "one and a half per cent," and also strike out the section in relation to fees of Township trustees and recommend its passage.

G. M. CHILCOTT, Chairman.

Mr Crocker moved that the bill, H B No. 39, be

Referred to the committee on Judiciary.

Carried.

Mr Crocker moved that C B No. 18, be taken up for its third reading and final passage.

Carried.

C B No. 18, a bill for An act concerning descents and distributions, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—11.

Nays—1.

Those voting in the affirmative were

Messrs Steele, Scudder, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Mr Rankin voted in the negative.

So the bill passed, and the

Title agreed to.

Mr Witter moved that substitute for H B No. 60, H B No. 103, H B No. 104, H B No. 105, H B No. 106, H B No. 107, H B No. 108, H B No. 109 and H B No. 110, be

Referred to the committee of the Whole.

Carried.

C B No. 11, a bill for An act declaratory of the rights of occupants of the public domain, except as against the United States, was

Read third time.

Mr Witter moved that the bill be referred to a select committee of three, and ordered printed.

Carried.

The chair announced as such committee,

Messrs Witter, Rankin and Chilcott.

H B No. 43, a bill for An act to provide for recording contracts relating to lands, and for other purposes, was

Read third time.

The question recurring on the final passage of the bill, there were,

Ayes—9.

Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Whittemore, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Chaffee, Witter and Mr Speaker.

So the bill passed, and

Title agreed to.

Mr Chaffee, from select committee to whom was referred Joint Memorial No. 2, submitted the following report:

Mr Speaker:

Your committee to whom was referred J M No. 2, would beg leave to report that the object sought to be obtained by the memorial is just and proper, but in the opinion of your committee the Memorial is too lengthy detailed and irrelevant to be instrumental in attaining its object, and therefore return it without any recommendation.

J. B. CHAFFEE, Ch'n.

Mr Chilcott moved that the report of the committee on county and county lines, on H B Nos. 9, 18 and 48, with substitutes therefor, be adopted.

Carried.

Mr Chaffee moved to strike out all but the title of J M No 2, and refer it to a special committee.

Carried.

The chair announced as such committee,

Mr Chaffee.

Mr Crocker moved that the report of the special committee on the Territorial Seal be taken from the table and adopted.

Carried.

H B No. 36, a bill for An act concerning imprisonment for debt was read a third time.

The question recurring on the final passage of the bill, there were

Ayes—13.

Nays—0.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware,

Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr. Speaker.

So the bill passed.

Title agreed to.

Mr Chilcott, from the committee on Engrossment, presented the following report:

Mr. Speaker:

Your committee on engrossed bills beg leave to report H B No. 36; also, Joint Resolution No. 3, as correctly engrossed.

G. M. CHILCOTT, Chairman.

Joint Resolution No. 3, to request Congress to amend the Organic Act, was

Read third time.

The question recurring on the final passage of the resolution, there were

Ayes—13.

Nays—0.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the Joint resolution

Passed, and the

Title was agreed to.

Mr Rankin, previous notice having been given, introduced

H B No, 111, a bill for An act to establish a legal tender for the Territory of Colorado, which was

Read first and second time, by its title, and

Referred to committee on Territorial Affairs.

Mr Chilcott was called to the chair.

Mr Holly, previous notice having been given, introduced

H B No. 112, a bill for An act relating to the General Assembly, which was

Read first and second time, and

Referred to the committee on Judiciary.

Mr Rankin gave notice that he would, on to-morrow or some subsequent day, introduce

A bill for An act to provide for the election of additional members of the Council and House of Representatives of Colorado Territory and fixing the time of the meeting of the Legislature.

Mr Holly gave notice that he would, on to-morrow, or some subsequent day, introduce a bill for An act providing for a general term of court in the first judicial district.

Mr Crocker moved to take up the substitute for Joint Resolution No 4.

Carried.

Mr Witter moved to strike out the Latin words on the seal, and insert the English translation in lieu thereof.

Mr Holly offered the following as an amendment:

Strike out the Latin words "*Nil Sine Numine,*" and "*Sigillum Territorii Coloradensis,*" in 21st, 22d and 23d lines, and inseat the Spanish words, "Nada sin la Deidal," and also "Sello del Territorio del Colorado," containing the same sense.

The amendment was accepted.

The ayes and nays being called for and ordered, there were

Ayes—6.

Nays—7.

Those voting in the affirmative were,

Messrs Noteware, Witter, Barela, Garcia, Holly and Mr Speaker.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Whittemore and Crocker.

So the amendment did not prevail.

The question recurring on the motion of Mr Witter, and the Ayes and nays being called for and ordered, there were

Ayes—3.

Nays—10.

Those voting in the affirmative, were

Messrs Witter, Holly and Mr Speaker, *pro tem.*

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela and Garcia.

So the motion did not prevail.

Mr Rankin moved that the Joint resolution be considered engrossed and put upon its third reading and final passage.

The Joint Resolution was

Read third time by its title.

The question recurring on its final passage, there were

Ayes—13.

Nays—0.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Holly and Mr Speaker *pro tem.*

So the Joint Respolution passed.

Title was agreed to.

Mr Holly moved that the vote by which the rule providing private bills could not be introduced before the 28th inst., be reconsidered.

Mr Rankin moved to lay the motion on the table.

The ayes and nays being called for and ordered, there were

Ayes—9.

Nays—4.

Those voting in the affirmative, were

Messrs Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela and Garcia.

Those voting in the negative, were

Messrs Steele, Wilhite, Holly and Mr Speaker *pro tem.*

So the motion prevailed.

The Speaker resumed the chair.

On motion,

The House resolved itself into committee of the Whole upon H B Nos. 107 and 108.

Mr Scudder in the chair.

After some time spent therein the committee rose, and through their chairman, Mr Scudder, presented the following report:

That the committee had had under consideration H B No. 108, a bill for An act regulating elections, to which amendments had been made, and recommended their adoption, and the passage of the bill.

Mr Witter moved to adjourn to to-morrow at 9 A. M.

The ayes and nays being called for and ordered, there were

Ayes—9.

Nays—4.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Whittemore, Witter, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Chaffee, Noteware, Crocker and Mr Speaker.

So the House adjourned.

House of Representatives,
Wednesday, Oct. 16, 1861.

The time to which the House adjourned having arrived, and the Speaker being absent, the

Chief Clerk called the House to order.

Prayer by the Chaplain.

Roll called.

Absent—Messrs Steele, Rankin, Crocker and Mr Speaker.

Mr Noteware moved that Mr Wilhite be elected Speaker *pro tem.*

Carried.

Mr Wilhite took the chair.

Mr Noteware moved a call of the House.

A call of the House being ordered, and

Messrs Steele, Rankin, Crocker and Mr Speaker found absent,

The Sergeant-at-arms was despatched for the absentees.

After some time spent under the call,

Messrs Rankin, Crocker and Mr Speaker appeared and took their seats, and on motion,

Further proceedings under the call were dispensed with.

On motion, Messrs Steele and Crocker were excused.

Mr Chaffee, from select committee, presented the following report:

Mr Speaker:

Your committee, to whom was referred the duty to obtain an abstract of bills in both Houses, and the duty to determine and introduce such additional bills as are necessary to perfect a general

code of laws, beg leave to report the following abstract of bills passed and in progress of passage in both Houses.

J. B. CHAFFEE, Ch'n.

Mr Witter moved that the abstract be ordered printed.

Carried.

Mr Steele, from committee on Agriculture, presented the following report:

Mr Speaker:—

Your committee, to whom was referred

H B No 50, a bill for An act to protect and regulate the irrigation of land, have had the same under consideration, and beg leave to make the following report:

Amend section four by adding, "provided that this section shall not apply to persons occupying land on what is known as Hardscrabble Creek, a tributary of the Arkansas River; but upon said stream, each occupant shall be allowed sufficient water to irrigate one hundred and sixty acres of land, if there shall be sufficient for that purpose, and if insufficient, then the occupant nearest the source of said stream shall be first supplied."

And would recommend the passage of the same with the above amendment, and to indefinitely postpone

H B No 55, an act to provide for the diversion of water from natural courses, for agricultural and mineral purposes.

DANIEL STEELE.

Mr Rankin, previous notice having been given, introduced H B No. 113, a bill for An act to provide for additional members of the Council and House of Representives of Colorado Territory, and fixing the time of the meeting of the Legislature.

H B No. 113, was read a first and second time by its title, ordered printed and referred to the committee of the Whole.

C B No. 25, a bill for An act to define county boundaries and to locate county seats in Colorado Territory, which was the special order for the day,

Was taken up.

Mr Rankin moved that the bill be read by sections.

Carried.

Mr Barela moved that the word "Costilla" be changed wherever it occurs, to "San Miguel de la Costilla."

Carried.

Mr Barela moved to change the name of the county-seat, "San Miguel de la Costilla," in section 3, to "En la Plaza de Abajo."

Carried.

Message from the Council:

COUNCIL CHAMBER,
October 16, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed

H B No. 20, a bill for An act regulating the mode of proceeding in replevin,

Amended by striking out section 9.

Also, H B No. 66, a bill for An act to create a lien in favor of ranchmen and others,

Amended by adding section 2.

Also, H B No. 50, a bill for An act to prevent and punish resistance to officers,

Amended by striking out after the word "Territory," in 5th line, 2d section, until and including the word "offending," in 4th line from the bottom of the page, and by inserting "such person or persons," instead.

Also, C B No. 22, a bill for An act concerning bills of exchange and promissory notes.

Also, C B No. 19, a bill for An act concerning weights and measures,

And respectfully ask your concurrence therein.

Also, H B No. 40, a bill for An act regulating practice in chancery cases.

Also, H B No. 42, a bill for An act to prescribe the rate of interest,

Without amendment.

S. L. BAKER, Sec'y of the Council.

Mr Chilcott moved to strike out section 8, and insert the following:

Pueblo County—Commencing at a point where the township line between townships seventeen and eighteen south intersects the western boundary of the Indian Reserve: thence west on said line to where said line intersects the center of range sixty-nine; thence south on the center of said range to the township between townships twenty-two and twenty-three south; thence east on said township line to a point where said township line intersects the range line between ranges sixty-two and sixty-three; thence north on said line six miles, to where said line intersects the township line between townships twenty-one and twenty-two south; thence east on said township line to the western boundary of the Indian Reserve; thence north to the place of beginning.

The ayes and nays being called for and ordered, there were

Ayes—9.

Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative, were

Messrs Rankin, Witter and Crocker.

So the section was

Adopted.

Mr Garcia offered the following, to take the place of sections relating to "San Miguel de la Costilla, and Guadaloupe:"

San Miguel de la Costilla county—insert in the 4th line from the bottom of the written bill, between the words "thence" and "down,"

the following: "Thence, in a westerly direction, along the Sierra à la Plata to the Western boundary of the Territory; thence, south to southwest corner of the Territory; thence east to the place of beginning."

The section was adopted.

Mr Chilcott moved to amend section 10, as follows:

"After the word "ranges," at the end of 4th line from the bottom of the written report of Fremont county, and insert as follows:

"Sixty-nine and seventy, thence north to a point where said range line intersects the township line, between township twenty-two and twenty-three south; thence east three miles to the center of the range sixty-nine; thence north to a point where said line intersects the township line between townships seventeen and eighteen south; thence, east three miles on said line, to where said line intersects the line between ranges sixty-eight and sixty-nine; thence twelve miles to the place of beginning.

The section was adopted.

Mr Wilhite moved to strike out the name "El Paso county," and insert the name "Scudder county."

The ayes and nays being called for and ordered, there were, ayes 2, nays 11.

Those voting in the affirmative were, Messrs Wilhite and Crocker.

Those voting in the negative were, Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker.

So the amendment was not adopted.

Mr Wilhite moved to strike out the name "Oakes' Mill," as county seat for Douglas county, and insert in lieu thereof the name "Frankstown." Carried.

Mr Rankin moved to change the southern boundary of Larimer county, to make it conform to the northern boundary of Boulder county. Carried.

Mr Rankin moved to change the name of La Porte to Larimer. Carried.

Mr Rankin moved a call of the House.

A call of the House being ordered and Mr Chaffee found absent, the Sergeant-at-Arms was dispatched for the absentee.

Mr Wilhite moved that further proceedings under the call be dispensed with. Carried.

On motion,

The House adjourned to 2 P. M.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

Speaker in the chair.

The consideration of C B No. 25, was resumed.

Mr Rankin moved that "Idaho" be stricken out as the county seat of South Clear Creek County, and inser t in lieu thereof "Mill City."

Mr Noteware moved to amend by inserting "Empire City."

Mr Rankin moved a call of the House.

A call of the House being ordered, and Mr Witter found absent,

The Sergeant-at-Arms was dispatched for the absentee.

After some time spent under the call,

Mr Witter appeared and took his seat.

Mr Rankin moved that further proceedings under the call be dispensed with. Carried.

The question recurring on the amendment of Mr Noteware, and

The ayes and nays being called for and ordered, there were

Ayes—9. Nays—4.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Noteware, Witter, Crocker, Barela, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Rankin, Chaffee, Whittemore and Garcia.

So the amendment prevailed.

The question recurring on the motion as amended, and

The ayes and nays being called for and ordered, there were

Ayes—10. Nays—3.

Those voting in the affirmative were,

Messrs Steele, Wilhite, Scudder, Rankin, Noteware, Whittemore, Witter, Barela, Chilcott and Mr Speaker.

Those voting in the negative, were

Messrs Chaffee, Crocker and Garcia.

So the motion as amended was adopted

Mr Witter moved to strike out sections 30, 32 and 33, and insert in lieu of section 30 the following:

"Park County—Along the divide between the Arkansas and Platte rivers, and around the head waters of the Platte and Blue and their branches, and along the range between the Blue and Ten mile Creek to a point on said range due west of the Utah Pass on the dividing range between Hamilton and Breckinridge; thence due east to said Pass; thence easterly along the Snowy Range, dividing the waters of the Blue and the waters of the Platte rivers."

The following message from the Council was recived:

COUNCIL CHAMBER,
October 16, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed

H B No 76, "An act concerning amendments and jeofails,"

Also—H B No 77, "An act concerning venue."

Also—H B No 16, "An act relative to Notaries Public," without amendment.

Also—C B No 21, "An act concerning forcible entries and unlaw-

ful detainers," and respectfully ask the concurrence of the House therein.

Also—H B No 73, "An act concerning costs," amended as follows: By inserting in section 2, eighth line, the word "in;" by striking out in section 6 the word "avowery;" and by striking out in section 10, third line, the word "every," and inserting in its place the word "any."

Also—H B No 74, "An act concerning Attorneys and Counselors at law," with the following amendments: By striking out the word "chapter" in 5th section, and insert "act;" strike out in section 9, second line, the words "county commissioner;" also, strike out in fifth line, same section, the words "county commissioner;" also, by striking out in tenth line the words "or court of the county," and by inserting the word "or" between "court" and "district courts;" also, by striking out in section 12 the word "chapter" and insert the word "act" in its place; also, by adding sections 16 and 17, and respectfully ask the concurrence of the House therein.

S. L. BAKER, Secretary.

The ayes and nays being called for and ordered on the motion of Mr Witter, there were

Ayes 7, nays 6.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Noteware, Witter, Barela, Garcia and Mr Speaker.

Those voting in the negative were

Messrs Scudder, Rankin, Chaffee, Whittemore, Chilcott and Crocker.

Mr Noteware moved to strike out "Hamilton," as county-seat of Park county, and insert "Tarryall City."

Mr Crocker moved to amend by the insertion of "Laurette."

The ayes and nays being called for and ordered, there were

Ayes—5, nays—8.

Those voting in the affirmative were

Messrs Steele, Scudder, Rankin, Chaffee and Crocker.

Those voting in the negative were

Messrs Wilhite, Noteware, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker.

So the amendment was lost.

Ayes and nays being called for and ordered on the original motion, there were

Ayes—8, nays—5.

Those voting in the affirmative were

Messrs Steele, Wilhite, Noteware, Whittemore, Witter, Barela, Chilcott and Mr Speaker.

Those voting in the negative, were

Messrs Scudder, Rankin, Chaffee, Crocker and Garcia.

So the motion prevailed.

Mr Whittemore moved to strike out "Buffalo Flats," as the county-seat of Summit county, and insert in lieu thereof, "Parkville.'

Mr Witter moved to amend by inserting "Breckenridge."

The amendment prevailed.

The question recurring on the motion as amended, and the ayes and nays being called for and ordered, there were

Ayes—6. Nays—7.

Those voting in the affirmative, were

Messrs Steele, Scudder, Noteware, Witter, Barela and Garcia.

Those voting in the negative were

Messrs Wilhite, Rankin, Chaffee, Whittemore, Crocker, Chilcott and Mr Speaker.

So the motion as amended was lost.

Mr Chaffee moved to strike out all the last clause in each section temporarily locating the county seats, after the name of the town, and offered in lieu thereof the following section:

"It is further provided that the people may locate permanently the county seat in any part of the county, by a vote of a majority of legal voters in each county, according to law."

The motion prevailed.

Mr Rankin moved that the section attaching Larimer county to the county of Boulder, for judicial purposes, be stricken out. Carried.

Mr Rankin moved that the word "full," in last section, be stricken out. Carried.

Mr Rankin moved that the bill be considered read a third time and put upon its final passage. Carried.

Mr Whittemore moved to strike out section 37, and insert in lieu thereof the following:

"The county seat of Park county is hereby temporarily located at Parkville."

Ayes and nays being called for and ordered, there were

Ayes—12. Nays—1.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Mr Scudder voted in the negative.

So the motion prevailed.

The question recurring on the final passage of the bill, there were

Ayes—10. Nays—3.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Rankin, Chaffee, Noteware, Whittemore, Witter, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Scudder, Crocker and Mr Speaker.

So the bill passed, and the

Title agreed to.

Mr Chaffee offered the following resolution:

Resolved, That Master Noteware have leave of absence for the balance of this week.

The resolution was adopted.

Mr Wilhite moved that a committee of three be appointed to procure a room, material to write with, also candles, stove, fuel and

stationary for the use of the enrolling clerks of this house, and that the Chief Clerk ot this House be instructed to procure stationary for the same.

The motion prevailed.

Mr Chilcott gave notice that on to-morrow, or some subsequent day, he would introduce a Memorial to Congress for an appropriation for a wagon road from the Missouri River, via Denver, to Salt Lake.

Mr Chaffee moved a call of the House.

The call was not ordered.

Mr Chaffee moved to adjourn.

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—6.

Those voting in the affirmative, were

Messrs Chaffee, Noteware, Witter, Barela and Garcia.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Whittemore, Chilcott and Mr Speaker.

So the motion was lost.

Mr Scudder moved to reconsider the vote by which the motion to reconsider the vote, by which the rule adopted excluding private bills until the 28th inst., was laid on the table.

Mr Chaffee moved a call of the House.

A call of the House being ordered, and Messrs Rankin and Crocker found absent, the Sergeant-at-arms was dispatched for the absentees.

Mr Scudder moved that further proceedings under the call be dispensed with.

The ayes and nays being called for and ordered, there were,

Ayes—5. Nays—6.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Noteware and Chilcott.

Those voting in the negative were

Messrs Chaffee, Whittemore, Witter, Barela, Garcia and Mr Speaker.

So the motion was lost.

After sometime spent under the call, the Sergeant-at-arms appeared with the absentees.

Mr Chilcott moved that further proceedings under the call be dispensed with. Carried.

Mr Crocker moved that the members from the 5th and 10th districts be excused.

Mr Wilhite moved to lay the motion on the table.

Mr Rankin moved to adjourn.

The ayes and nays being called for and ordered, there were

Ayes—7. Nays—6.

Those voting in the affirmative were

Messrs Wilhite, Rankin, Chaffee, Witter, Crocker, Barela and Garcia.

Those voting in the negative, were

Messrs Steele, Scudder, Noteware, Whittemore, Chilcott and Mr Speaker.

So the House adjourned to 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
October 18, 1861. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs Rankin and Crocker.

A quorum being present,

The Journal of Thursday's proceedings was read and corrected.

Mr Chilcott, from committee on Engrossment, presented the following report:

Mr, Speaker:

Your committee on Engrossment beg leave to report Joint Memorial No. 3, as correctly engrossed.

G. M. CHILCOTT, Chairman.

Mr Steele, from committee on elections presented the following report:

Mr Speaker:

Your committee on elections and apportionment, to whom was referred H B No 26, An act for the prevention and punishment of election frauds, would ask leave to offer the following report, that they have had the same under consideration and would recommend its passage with the following amendment, to strike out all of section (9) nine, and alter section (10) ten to nine.

DANIEL STEELE, Chairman.

H B No. 45, a bill for An act concerning warrants of cities and towns, with Council amendment,

Was taken up.

Mr Witter moved that the House concur. Carried.

Mr Noteware, previous notice having been given, introduced

H B No. 115, a bill for An act granting to townships and mining districts certain rights and privileges, which was

Read first time.

Mr Chaffee, previous notice having been given, introduced

Joint Resolution No. 5, relating to the Executive Department of this Territory, which was

Read first time.

Mr Steele, previous notice having been given, introduced

Joint Memorial No. 4, a memorial to Congress for a mail route in Colorado Territory, which was

Read first time.

Mr Rankin, previous notice having been given, introduced

H B No. 116, a bill for An act to provide for the appointment of three commissioners in each county in this Territory, which was

Read first time.

The following House bills were

Read second time, by their titles:

H B Nos. 115, 116, J M No. 4, J R No. 5.

Mr Whittemore moved that the vote by which J M No. 3, a memorial to Congress for an appropriation for a wagon road from the Missouri River via Denver to Salt Lake, was ordered engrossed for a third reading, be reconsidered. Carried.

The question recurring on the motion to engross for a third reading, which was reconsidered, the motion was not adopted.

Mr Chaffee moved that the bill be referred to a special committee. Carried.

The chair announced as such committee, Messrs Chaffee, Witter and Chilcott.

Mr Rankin moved that H B No. 107 be taken up. Carried.

Mr Rankin moved that the bill be read by sections. Carried.

Mr Witter moved to amend section 12 by adding the following: "*Provided*, That at the first session they may sit not to exceed fifteen days." Adopted.

Mr Chaffee moved to strike out all of section 19, after the word "unless" to the words "a petition," in the 3d line from the bottom of the section. Carried.

Mr Witter moved the word "any," and the brackets around the word "every," in the 1st line of the 21st section, be stricken out. Carried.

Mr Chaffee moved that the words "or scroll, until a seal can be provided," be inserted after the word "seal," in section 21. Carried.

Mr Chaffee moved to fill the blank in section 34 with "fifteen cents." Carried.

Mr Chaffee moved to strike out the word "shall," in the 1st line of section 2 of art. 4, and insert the word "may." Carried.

Mr Noteware moved to strike out sections 1, 2 and 3 of article 4. Carried.

Mr Witter moved to strike out the words "the Register of Deeds," in section 6, of art. 3, and insert, "the County Clerk shall be *ex officio* Recorder of Deeds." Carried.

Mr Witter moved that the word "Register," wherever it occurs in article 3, be stricken out and the word "Recorder" inserted. Carried.

Mr Witter moved to strike out the article relating to County Assessor, that he might introduce an article providing for Township Assessors.

So the motion was lost.

Mr Witter offered the following, to be added to section 1, of act

5, "provided that no person shall be elected sheriff for more than two terms in succession.

So the amendment was adopted.

Mr Witter moved that the bill be engrossed for a third reading. Carried.

On motion, the House adjourned to 2½ P. M.

AFTERNOON SESSION.

2½ O'CLOCK P. M.

Speaker in the chair.

Mr Scudder from special committee presented the following report:

Mr. Speaker:

Your committee to whom was referred the statement of the Hon. Speaker of this House, in regard to an act to organize the militia of Colorado Territory, would respectfully report that the chairman of the enrolling committee for the Council, who had possession of said enrolled bill, states that the sheet on which the name of the Speaker of this House and the President of the Council signed their respective names, contained only about ten (10) lines of writing, and having become defaced after it was signed, he had another in its place enrolled by the enrolling clerk, and after examining thesame, found it to correspond to the one defaced, and correct. He then destroyed the one signed, and as the Hon. Speaker of this House states, brought the second to him for his signature, when he declined to sign for the time being. Your committee are of the opinion that it is proper and right for the Speaker to sign the second time, under these circumstances.

EDWIN SCUDDER, Chairman.

Mr Wilhite, from committee on Enrollment, presented the following report:

Mr Speaker:—

The committee on Enrollment have examined and found correctly enrolled, the following bill:

H B No. 16, a bill for An act relating to Notaries Public.

E. S. WILHITE, Chairman.

Message from the Council:

COUNCIL CHAMBER,
October 18, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has concurred in the following amendments to

C B No. 25, a bill for "An act to define county lines and to locate county seats in Colorado Territory," to-wit:

To amendments to sections 8, 10, 15, 20, and to striking out the word "Laporte," in last line of section 21, and inserting the word "Larimer" in its place, also concur in House amendment, striking out all after the name of the town in sections temporarily locating county seats, and to additional section 39, to-wit;

It is further provided, that the people may locate permanently the county seat in any part of the county by a vote of the majority of legal voters in each of the counties according to law, and to striking out the word "full" in last section;" and do not concur to amendments to sections 2, 3, 4, 5, 21, 30, 32 and 33, and have amended, House amendments to section 37, by striking out the word "Parkville," and inserting Breckinridge, and have stricken out the words "Empire City," House amendment to section 27, and inserted the words "at the head of Spanish Bar at the Junction of South Clear Creek, and Fall River," in its place, and concurrence of the House is respectfull requested.

S. L. BAKER,
Sec. of the Council.

Mr Witter moved that the House insist upon its amendments, and ask a committee of conference. Carried.

Mr Rankin gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act relating to arbitrations.

Mr Wilhite gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act to create an election precinct within the limits of military posts in this Territory.

Mr Chilcott, from committee on engrossment, presented the following report:

Mr Speaker:

Your committee on engrossed bills beg leave to report Joint Memorial No. 2, as correctly engrossed.

G. M. CHILCOTT, Chairman.

Mr Crocker, from committee on Judiciary, reported a substitute for H B No. 34, a bill for An act relating to the fees of officers, jurors, and witnesses, which was

Read first and second time, by its title, and

Ordered to its third reading and final passage.

Mr Crocker moved that H B No. 87, a bill for An act to organize the treasury department, be considered engrossed, and

Read third time. Carried.

Mr Witter moved that the report of the committee on agriculture, made yesterday, on C B No. 20, and H B No. 46, be adopted.

Mr Noteware, from committee on education, introduced H B No. 117, a bill for An act to establish the common school system.

Mr Witter moved that the bill be
Read first and second time, by its title, and ordered printed.
Mr Rankin called for division of the question.
The bill was ordered
Read first and second time.
The bill was not ordered printed.
H B No. 117, was
Read first and second time by its title.
Mr Chilcott moved that the report of the committee on agriculture on H B No. 55 and H B No 56 be adopted. Carried.
On motion H B No. 87, a bill for An act to organize the treasury department, was taken up and considered
Read third time.

The question recurring on the final passage of the bill, there were,
Ayes—13. Nays—0.
Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Whittemore, Noteware, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
So the bill passed, and
Title agreed to.

Mr Rankin from special committee, submitted the following report:

Mr Speaker:

Your committee, to whom was referred H B No. 111, have had the same under consideration and beg leave to report back the same with the following amendments: Strike out all of section two;
Also, add one section fixing the time the act is to take effect, and recommend its passage.

Also, that the substitute for H B No. 111 be laid on the table.
W. A. RANKIN, Chairman.

H B No. 82, a bill for An act establishing the mode of locating and changing county seats, was taken up.

Mr Crocker moved to strike out the words "or may declare the same *viva voce*," in section 1. Carried.

Mr Crocker moved to strike out section 2. Lost.
Mr Crocker moved to lay the bill on the table. Carried.

Mr Witter moved that C B No. 20, a bill for An act concerning persons holding lots, lands and mining claims, except as against the United States, be taken up. Carried.

Mr Chaffee moved that the bill be considered read a third time and put upon its final passage. Carried.
The question recurring on the final passage of the bill, there were
Ayes—10. Nays—3.
Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Rankin, Noteware, Whittemore, Witter, Barela, Garcia and Mr Speaker.

Those voting in the negative were

Messrs Chaffee, Crocker and Chilcott.

So the bill passed.

Title agreed to.

H B No. 56, a bill for An act to protect and regulate the irrigation of lands, was taken up.

Mr Witter moved to amend section 9, by inserting after the word "each," the words "per day." Carried.

On motion, the bill was considered engrossed and read a third time.

The question recurring on the final passage of the bill, there were

Ayes—10. Nays—2.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Chaffee and Witter.

So the bill passed.

Title agreed to.

Mr Scudder, previous notice having been given, introduced

H B No. 18, a bill for An act to provide for stay of procedure on foreign indebtedness, which was

Read first and second time, by its title,

Mr Chaffee moved that the bill be referred to committee on Judiciary.

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative were

Messrs Rankin, Chaffee, Whittemore, Witter and Mr Speaker.

Those voting in the negative were

Messrs Steele. Wilhite, Scudder, Noteware, Crocker, Barela, Garcia and Chilcott.

So the motion was lost.

Mr Crocker moved that the bill be referred to committee on Territorial Affairs.

Mr Witter moved to amend by referring the bill to committee of the whole.

The amendment was lost.

Mr Rankin called for the reading of the bill, and the bill was accordingly read.

Mr Rankin moved that the bill be laid on the table.

Ayes and nays being called for and ordered, there were

Ayes—7. Nays—6.

Those voting in the affirmative were

Messrs Steele, Rankin, Chaffee, Witter, Crocker, Barela and Garcia.

Those voting in the negative were,

Messrs Wilhite, Scudder, Noteware, Whittemore, Chilcott and Mr Speaker.

So the motion prevailed.

Joint Memorial No 2, a Memorial to Congress for the establishment of a branch of the United States Mint at Denver, was
Read third time.
The question recurring on the final passage of the memorial, and
The ayes and nays being called for and ordered, there were
Ayes—13. Nays—0.
Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
So the memorial passed, and the
Title was agreed to.
Mr Barela gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act to prevent the introduction of cattle, horses, asses, sheep and other animals, within the town limits as well as in private lands in San Miguel de la Costilla county.
Mr Crocker moved that the rules be suspended that Joint Resolution No 5, relating to the Executive Department, be taken up and read a third time. Carried.
Joint Resolution No 5 was accordingly
Read third time.
The question recurring on the final passage of the resolution, and
The ayes and nays being called for and ordered, there were
Ayes—13. Nays—0.
Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
So the resolution passed and
Title agreed to.

Substitute for H B No 34, a bill for An act regulating the fees of officers, jurors and witnesses, was taken up.
Mr Chilcott moved to adjourn to to-morrow at 10 o'clock A. M. Carried.

HOUSE OF REPRESENTATIVES,
Oct. 19, 1861.

Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—Messrs Wilhite and Noteware—on leave granted.
A quorum being present
The Journal of Friday's proceedings was read and approved.
Mr Witter presented a petition from citizens of Buckskin Joe in relation to the road from Laurette to Denver via the Hamilton and Bradford toll road, and remonstrating against a charter for said road.

Mr Chaffee presented a remonstrance from citizens of Spanish Bar against granting a road charter to John E. Vance & Co.

The chair announced as committee on Conference on amendments to C B No. 25, Messrs Witter, Whittemore and Barela.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, COLORADO TER.
Denver, October 18, 1861.

To the Speaker of the House of Representatives:—

SIR:—I have approved and signed An act entitled An act to incorporate the Consolidated ditch company.

Very respectfully,
WILLIAM GILPIN.
Governor of Colorado Territory.

Mr Witter moved that the House adjourn.

The ayes and nays being called for and ordered, there were Ayes—6. Nays—6.

Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Witter, Barela and Garcia.

Those voting in the negative were
Messrs Rankin, Chaffee, Whittemore, Crocker, Chilcott and Mr. Speaker.

So the House refused to adjourn.

Mr Rankin moved to take up substitute for H B No. 34.

Mr Wilhite moved to adjourn.

The ayes and nays being called for and ordered, there were Ayes 7. Nays 5.

Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Whittemore, Witter, Barela and Garcia.

Those voting in the negative were
Messrs Rankin, Chaffee, Crocker, Chilcott and Mr Speaker.

So the House adjourned to Monday, at 9 A. M.

HOUSE OF REPRESENTATIVES,
Oct. 21st, 1861.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs Crocker and Chilcott.

The Journal of Saturday's proceedings was read and corrected.

The motion of Mr Rankin to take up H B No. 34, a bill for An act regulating fees of officers, jurors and witnesses, which was pending on Saturday's adjournment,

Was taken up and adopted.

Mr Whittemore moved that the bill be ordered printed. Lost.

Mr Wilhite was called to the chair.

The bill was taken up to be read by sections.

Mr Noteware moved that the bill be laid on the table, and ordered rinted.

Mr Rankin raised a point of order that the motion was out of rder because once voted down by the House.

The chair decided the point well taken.

Mr Whittemore appealed from the decision of the chair.

The decision of the chair was sustained.

Mr Rankin moved that "fifteen cents per folio" be inserted whenver the words "twenty cents per folio" occur in the bill. Carried.

Mr Holly moved to strike out the word "folio" whenever it ocurs, and insert the words "per hundred words." Carried.

Mr Holly moved to strike out the section relating to the fees of District Judge.

Mr Chaffee moved to amend, by striking out all of the section rom the word "chambers," in the 16th line, to the word "the" in he 21st line.

Mr Holly raised a point of order that the amendment was out f order.

The chair decided the point well taken.

The question recurring on the motion of Mr Holly, and

The ayes and nays being called for and ordered, there were

Ayes—8. Nays—5.

Those voting in the affirmative, were

Messrs Steele, Holly, Scudder, Whittemore, Witter, Barela, Chilcott and Mr Speaker *pro tem.*

Those voting in the negative were,

Messrs Rankin, Chaffee, Noteware, Crocker and Garcia.

So the motion to strike out the section prevailed.

Mr Rankin moved that the bill be considered read a third time and put upon its final passage.

Ayes and nays being called for and ordered, there were

Ayes—4. Nays—9.

Those voting in the affirmative, were

Messrs Steele, Rankin, Crocker and Garcia.

Those voting in the negative, were

Messrs Holly, Scudder, Chaffee, Noteware, Whittemore, Witter, Barela, Chilcott and Mr Speaker *pro tem.*

So the motion was lost.

Mr Holly moved to amend the fees allowed to the county Treasurer, so that his allowance for collecting the first $3,000 shall be "five per centum" instead of "ten per centum."

Mr Crocker moved as an amendment, to strike out all of the section relating to the fees of county Treasurer, and insert the following:

"The county Treasurer shall receive for collecting taxes, ten per centum of the amount collected."

Mr Rankin moved to adjourn to 2 P. M.

The ayes and nays being called for and ordered, there were
Ayes—9. Nays—4.
Those voting in the affirmative were
Messrs Scudder, Rankin, Chaffee, Whittemore, Witter, Crocker, Barela, Garcia and Mr Speaker *pro tem.*
Those voting in the negative were
Messrs Steele, Holly, Noteware and Chilcott.
So the House adjourned to 2 P. M.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

Mr Wilhite in the chair.
Mr Scudder moved a call of the House.
A call of the House was ordered.
Mr Crocker moved that further proceedings under the call be dispensed with. Carried.
The question recurring on the amendment of Mr Crocker, which was pending at the time of adjournment, and the ayes and nays being called for and ordered, there were
Ayes—5. Nays—8.
Those voting in the affirmative were
Messrs Steele, Rankin, Chaffee, Noteware, Crocker.
Those voting in the negative were
Messrs Holly, Scudder, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker *pro tem.*
So the amendment was not adopted.
The question recurring on the motion of Mr Holly, and
The ayes and nays being called for and ordered, there were
Ayes—6. Nays—7.
Those voting in the affirmative were
Messrs Holly, Scudder, Whittemore, Witter, Barela and Garcia.
Those voting in the negative were,
Messrs Steele, Rankin, Chaffee, Noteware, Crocker, Chilcott and Mr Speaker. *pro tem.*
So the motion was lost.

Mr Witter moved to amend the section by striking out "$2,000" and inserting "$1,500."

Mr Holly moved to amend the amendment by inserting "$1,000."

The amendment prevailed, and the motion as amended was adopted.

Mr Holly moved to strike out "fifteen cents per hundred words" wherever they occur, and insert "ten cents per hundred words."

Mr Crocker moved to amend the motion by inserting "eighteen cents per hundred words."

The ayes and nays being called for and ordered, there were
Ayes—4. Nays—8.

Those voting in the affirmative were
Messrs Rankin, Chaffee, Noteware and Crocker.
Those voting in the negative were
Messrs Steele, Holly, Scudder, Whittemore, Witter, Barela, Garcia and Chilcott.
So the amendment was lost.
The question recurring on the original motion, and the ayes and nays being called for and ordered, there were
Ayes—5. Nays—8.
Those voting in the affirmative were
Messrs Holly, Scudder, Crocker, Barela and Garcia.
Those voting in the negative were
Messrs Steele, Rankin, Chaffee, Noteware, Whittemore, Witter, Chilcott and Mr Speaker *pro tem.*
So the motion was lost.
Mr Scudder moved that the bill be referred to a select committee of three.
The ayes and nays being called for and ordered, there were
Ayes—5. Nays—8.
Those voting in the affirmative were
Messrs Holly, Scudder, Whittemore, Chilcott and Mr Speaker *pro tem.*
Those voting in the negative were
Messrs Steele, Rankin, Chaffee, Noteware, Witter, Crocker, Barela and Garcia.
So the motion was lost.
Mr Witter moved that the bill be considered read a third time and put upon its final passage Lost.
Mr Crocker offered the following as an additional section:

"The Judges of the District Court shall be entitled to and receive, for the hearing of any motion at Chambers, the sum of three dollars; and for hearing any application for a writ, or performing any services which might be performed by a Master in Chancery or a clerk of court, the same fees as Master in Chancery or clerks which fees shall be advanced by the party making the motion, and be taxed as costs in the cause."

The ayes and nays being called for and ordered, there were
Ayes—4. Nays—9.
Those voting in the affirmative were
Messrs Rankin, Chaffee, Noteware and Crocker.
Those voting in the negative were
Messrs Steele, Holly, Scudder, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker *pro tem.*
So the section was not adopted.
Mr Holly moved that the bill be ordered engrossed for a third reading.
The ayes and nays being called for and ordered, there were
Ayes—8. Nays—5.
Those voting in the affirmative were

Messrs Steele, Holly, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker *pro tem.*

Those voting in the negative, were

Messrs Scudder, Rankin, Chaffee, Noteware and Crocker.

So the motion prevailed.

Mr Scudder asked and obtained leave of absence for the remainder of the day.

Mr Witter moved that H B No. 111, a bill for An act to establish a legal tender for the Territory of Colorado, be taken up and read by sections. Carried.

Mr Holly moved to strike out the words "until the United States Government shall establish a branch mint in this Territory," in section 1, and insert in lieu thereof the words "until otherwise provided by law." Carried.

Mr Steele moved to refer the bill to a special committee of three.

Mr Noteware moved to amend by referring the bill to committee on Federal Relations. Lost.

The motion of Mr Steele prevailed.

The chair announced as such committee,

Messrs Steele, Rankin and Witter.

Joint Memorial No 4. a Memorial to Congress relative to a mail route along the South Platte River, was taken up.

Mr Witter moved to strike out all of the memorial relating to the establishment of postoffices along the route. Carried.

Mr Steele moved that the memorial be considered read a third time. Carried.

The question recurring on the final passage of the memorial, there were,

Ayes—12. Nays—0.

Those voting in the affirmative, were

Messrs Steele, Holly, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker *pro tem.*

So the memorial passed, and the

Title agreed to.

H B No 116, a bill for An act to provide for the appointment of three commissioners in each county in this Territory, was taken up and read by sections.

Mr Holly moved to strike out all after the enacting clause, and insert as follows:

"That three persons in each organized county shall be selected by the Council and House of Representatives in joint convention, to act and discharge the duties of the board of county commissioners, as required by law, until their successors are duly elected and qualified."

Ayes and nays being called for and ordered, there were

Ayes—6. Nays—6.

Those voting in the affirmative were

Messrs Steele, Holly, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Rankin, Chaffee, Noteware, Whittemore, Witter and Mr Speaker *pro tem.* So the motion was lost.

Mr Chaffee moved to strike out the proviso at the last end of the bill. Carried.

Mr Witter moved that the bill be considered engrossed, and Read third time. Carried.

The question recurring on the final passage of the bill, there were Ayes—11. Nays—1.

Those voting in the affirmative, were

Messrs Steele, Holly, Rankin, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker *pro tem.*

Mr Chaffee, voted in the negative.

So the bill passed.

Mr Holly moved to insert the word "temporary" before the word "appointment" in the title. Carried.

Mr Holly moved to take up H B No. 117, a bill to establish common schools. Lost.

Mr Rankin from the special committee, reported back C B No. 26, a bill for An act to dissolve the bonds of matrimony between Lydia G. C. Windecker and Conrad Windecker, and

C. B. No. 28, a bill for An act to dissolve the bonds of matrimony between Mary L Tichner and Philip K. Tichner, and recommended their indefinite postponement.

Report was received and adopted.

Mr Witter moved that H B No. 116, a bill for An act concerning marriage and the relations of husbands and wife,

Be taken up and read by sections. Carried.

Mr Crocker moved that the further consideration of the bill be dispensed with and that the bill be

Referred to committee on Public Schools.

On motion the House adjourned to 9 A M. to-morrow.

House of Representatives,
Oct. 22nd, 1861.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs Wilhite and Crocker.

A quorum being present

The Journal of Monday's proceedings was read and approved.

Mr Witter, from committee of Conference, presented the following report:

To the House of Representatives of Colorado Territory:

Your committee appointed to confer with a committee of the Council, with regard to the amendments offered by the House to Council Bill No. 25, "An act to define County Boundaries and to locate County Seats in Colorado Territory," beg leave to report that they met the said committee appointed by the Council and with them agreed to the following report to be made to both Houses:

The committee of conference have had under consideration the amendments to C B No. 25, a bill for An act to define County Boundaries and to locate County Seats in Colorado Territory, and have agreed upon the following disposition of them:

The House to recede from its amendments to sections 2 and 4, uniting the Counties of Costilla and Guadaloupe.

The Council to concur in the amendments to section 3, with the following amendment: Strike out "En La Plaza De Abajo" and insert "San Miguel."

The House to recede from its amendment to section 5.

The Council to concur in the amendment to section 21.

The Council to concur in the amendments to sections 30, 31, 32 and 33.

The Council to recede from its amendment to the amendment to section 37, and to concur in the House amendment.

The House to concur in the Council amendment to the amendment to section 27, and to amend the amendment as follows:

By the insertion of "Mill City" and the Council to concur in the last House amendment.

DAN'L WITTER, Chairman.
JESUS M. BARELA.
W. A. RANKIN.

Mr Garcia moved to reject that part of the report relating to sections 2, 3, 4 and 5.

The ayes and nays being called for and ordered, there were

Ayes 5, nays 8.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Noteware and Garcia.

Those voting in the negative were

Messrs Rankin, Chaffee, Whittemore, Witter, Crocker, Barela, Chilcott and Mr Speaker.

So the motion was lost.

Mr Witter moved that the report of the committee of conference be adopted.

Ayes and nays being called for and ordered, there were

Ayes—10. Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Rankin, Chaffee, Whittemore, Witter, Crocker, Barela, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Scudder, Noteware and Garcia.

So the motion prevailed.

Mr Chaffee moved that Mr Garcia be allowed to enter a protest upon the Journal, to the passage of C B No 25. Carried.

Mr Garcia does hereby protest against the action of this House in accepting the report of the committee of conference on C B No 25, with regard to Guadaloupe county and its county seat.

VICTOR GARCIA.

Mr Crocker, from committee on Judiciary, presented the following report:

Your committee on Judiciary would report in favor of the passage of C B No 21; and in favor of C B No 22, amended by striking out section 8; and adversely to the passage of C B No 24; and recommend to amend C B No 12, by striking out the word "affidavit" in second section, and inserting the word "certificate," and in favor of its passage as so amended.

Your committee would also report herewith, bills for

An act concerning cases in ejectment.

An act concerning jurors.

An act concerning injunctions.

An act concerning courts.

An act concerning joint rights and obligations.

An act concerning aliens.

And recommend their passage.

GEO. F. CROCKER, Chairman.

Mr Barela, previous notice having been given, introduced H B No 124, a bill for An act to prevent the introduction of animals for the purpose of grazing within certain limits, which was

Read first time, by its title.

The following House bills were

Read a first time by their titles:

H B No 119, a bill for An act concerning jurors.

Also, H B No 120, a bill for An act concerning aliens.

Also, H B No 121, a bill for An act concerning the district and the supreme court.

Also, H B No 122, a bill for An act concerning ejectment.

Also, H B No 123, a bill for An act concerning joint rights and obligations.

Also, H B No 126, a bill for An act concerning injunctions.

Mr Whittemore, previous notice having been given, introduced H B No 125, a bill for An act to establish a Territorial library and cabinet, which was

Read first time by its title.

The following bills were read a second time by their titles:

H B No's 119, 120, 121, 122, 123, 124, 125 and 126.

Mr Noteware moved that H B No 117, a bill for An act to establish the common school system, be made the special order for Saturday. Lost.

Mr Rankin moved to make the bill the special order for to morrow 2 P. M.

The ayes and nays being called for and ordered, there were

Ayes—8, nays—5.

Those voting in the affirmative were

Messrs Steele, Wilhite, Rankin, Noteware, Whittemore, Barela, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Scudder, Chaffee, Witter, Crocker and Garcia.

So the motion prevailed.

The motion of Mr Crocker, to dispense with the further consideration of H B No 116, a bill for An act concerning marriage and

the relation of husband and wife, and refer the same to the committee on education, which was pending on yesterday's adjournment, was taken up and adopted.

Mr Crocker, from committee on Judiciary, reported back H B No. 49, a bill for An act for the establishment of Police Magistrate courts in towns and cities, and recommended its passage.

Mr Chaffee, from committee on Incorporations, presented the following report:

Mr Speaker:—

Your committee to whom was referred H B No. 57, An act for a general incorporation law, would respectfully report the same back to the House and recommend that it be postponed for the present session. A general law of this kind, especially for the different kinds of pursuits, such as a general road law, a general ditch and water law and a general mining law, each separate and regulating its own kind of business, would seem preferable where any such law should pass, and believing any law of this kind at present is not needed, would recommend this House take no action therein.

J. B. CHAFFEE, Ch'n.

Mr Crocker moved that the report be adopted.

Mr Chilcott was called to the chair.

The ayes and nays being called for and ordered on the motion of Mr Crocker, there were

Ayes—10. Nays—2.

Those voting in the affirmative were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia and Mr Speaker *pro tem.*

Those voting in the negative were

Messrs Witter and Holly.

So the motion was lost.

Mr Witter, from committee on Roads and Bridges, reported back C B No. 32, a bill for a general act to incorporate wagon road companies, without recommendation.

Mr Holly gave notice that he would on to-morrow or some subsequent day, introduce a bill for An act to incorporate the "Gold Run tunnel company."

Also, a bill for An act to incorporate the "Pioneer tunnel company No. 1."

Mr Witter moved to take up C B No. 32, for consideration.

The ayes and nays being called for and ordered, there were

Ayes—3. Nays—9.

Those voting in the affirmative, were

Messrs Witter, Garcia and Mr Speaker, *pro tem.*

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Whittemore, Crocker, Barela and Holly.

So the motion was lost.

Mr Steele moved to take up H B No. 118, a bill for An act to provide for a stay on proceedings on foreign indebtedness. Carried.

Mr Chaffee offered the following as an amendment to section 1; "strike out section 1, after the enacting clause, and insert as follows:" "There shall be a stay of proceedings in all liabilities, contracts and other instruments of writing, given by any person prior to his or their arrival in this Territory, for the term of one year from the time of the proceedings being commenced."

Mr Wilhite offered the following as a substitute to the amendment: "That no cause of action arising on any contract already made, or which shall hereafter be made, outside of the limits of this Territory, shall be commenced or proceeded with to final judgment in any court in this Territory, in any cases where the contracting debtor or his representative is a *bona fide* resident of this Territory after a period of —— years after he or she has or shall become such resident thereof."

Mr Chaffee moved to refer the bill and the pending amendments to committee on Judiciary.

Mr Noteware moved to adjourn to 2 P. M.

The ayes and nays being called for and ordered, there were

Ayes—7. Nays—6.

Those voting in the affirmative were

Messrs Wilhite, Scudder, Noteware, Witter, Barela, Garcia and Mr Speaker, *pro tem.*

Those voting in the negative, were

Messrs Steele, Rankin, Chaffee, Whittemore, Crocker and Holly.

So the House adjourned to 2 P. M.

AFTERNOON SESSION.

2 O'CLOCK P. M.

Mr Chilcott in the chair.

The question recurring on the motion to refer H B No 118, which was pending at the time of adjournment, to the committee of Judiciary.

The ayes and nays being called for and ordered, there were

Ayes—3. Nays—10.

Those voting in the affirmative were,

Messrs Chaffee, Witter and Garcia.

Those voting in the negative, were

Messrs Steele, Wilhite, Scudder, Rankin, Noteware, Whittemore, Crocker, Barela, Holly and Mr Speaker *pro tem.*

So the motion was lost.

Mr Wilhite withdrew his substitute.

Mr Whittemore offered the following as a substitute:

"That all actions against any *bona fide* resident of this Territory, founded on any bill, bond, promissory note, or other contract, drawn, executed, or made elsewhere than within the limits of this Territory, shall be instituted or commenced within six months from

and after any such bill, bond, promissory note or other contract may have been drawn, executed, or made, or after such cause of action may have arisen, and not afterwards!"

Mr Rankin moved to lay the substitute on the table.

The ayes and nays being called for and ordered, there were

Ayes—6. Nays—7.

Those voting in the affirmative were

Messrs Rankin, Chaffee, Witter, Crocker, Barela and Garcia.

Those voting in the negative were

Messrs Steele, Holly, Wilhite, Scudder, Noteware, Whittemore and Mr Speaker *pro tem.*

So the motion was lost.

Mr Whittemore withdrew his substitute.

The question recurring on the amendment offered by Mr Chaffee,

The ayes and nays being called for and ordered, there were

Ayes—3. Nays—10.

Those voting in the affirmative were

Messrs Chaffee, Witter and Garcia.

Those voting in the negative were,

Messrs Steele, Holly, Wilhite, Scudder, Rankin, Noteware, Whittemore, Crocker, Barela and Mr Speaker *pro tem.*

So the motion was lost.

Mr Holly moved to strike out the word "other," in sec. 1, and substitute the word "any."

The ayes and nays being called for and ordered, there were

Ayes—8. Nays—5.

Those voting in the affirmative, were

Messrs Steele, Holly, Wilhite, Scudder, Noteware, Whittemore, Barela and Mr Speaker *pro tem.*

Those voting in the negative were

Messrs Rankin, Chaffee, Witter, Crocker and Garcia.

So the motion prevailed.

Mr Rankin moved to strike out section 3.

The ayes and nays being called for and ordered, there were

Ayes—12. Nays—1.

Those voting in the affirmative were

Messrs Steele, Holly, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Barela, Garcia and Mr Speaker *pro tem.*

Mr Crocker voted in the negative.

So the motion prevailed.

Mr Witter moved to strke out the words "five years," in section 1, and insert the words "two years."

The ayes and nays being called for and ordered, there were

Ayes—3, nays—10.

Those voting in the affirmative were

Messrs Witter, Garcia and Mr Speaker *pro tem.*

Those voting in the negative were

Messrs Steele, Holly, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker and Barela.

So the motion was lost.

Mr Chaffee offered the following, to take the place of the last section:

This act shall be in force from and after the 1st day of January, A. D. 1870.

Ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative, were

Messrs Chaffee, Witter, Crocker, Barela and Garcia.

Those voting in the negative, were

Messrs Steele, Holly, Wilhite, Scudder, Rankin, ~~Noteware~~, Whittemore and Mr Speaker *pro tem.*

So the section was not adopted.

Mr Holly moved that the bill be engrossed and put upon its third reading and final passage.

Mr Garcia moved to refer the bill to the committee on Territorial Affairs.

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative were

Messrs Chaffee, Witter, Crocker, Barela and Garcia.

Those voting in the negative were

Messrs Steele, Holly, Wilhite, Scudder, Rankin, Noteware, Whittemore and Mr Speaker *pro tem*

So the motion was lost.

Mr Garcia moved to adjourn till to-morrow at 10 A. M.

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative were

Messrs Chaffee, Witter, Crocker, Barela and Garcia.

Those voting in the negative were

Messrs Steele, Holly, Wilhite, Scudder, Rankin, Noteware, Whittemore and Mr Speaker *pro tem.*

So the motion was lost.

The question recurring on the motion of Mr Holly, and the ayes and nays being called for and ordered, there were

Ayes—9 Nays—4.

Those voting in the affirmative, were

Messrs Steele, Holly, Wilhite, Scudder, Rankin, Noteware, Whittemore, Barela and Mr Speaker *pro tem.*

Those voting in the negative were

Messrs Chaffee, Witter, Crocker and Garcia.

Mr Garcia changed his vote.

So the motion prevailed.

The bill was read a third time.

The question recurring on the final passage of the bill, there were,

Ayes—7. Nays—6.

Those voting in the affirmative, were

Messrs Steele, Holly, Wilhite, Scudder, Noteware, Whittemore, and Mr Speaker *pro tem.*

Those voting in the negative, were
Messrs Rankin, Chaffee, Witter, Crocker, Barela and Garcia.
So the bill passed.
Mr Chaffee moved to amend the title so as to read,
"An act to repudiate foreign indebtedness."
Ayes and nays being called for and ordered, there were
Ayes—5. Nays—8.
Those voting in the affirmative, were
Messrs Chaffee, Witter, Crocker, Barela and Garcia.
Those voting in the negative were
Messrs Steele, Holly, Wilhite, Scudder, Rankin, Notewa[illegible] Whittemore and Mr Speaker *pro tem.*
So the motion was lost.
Mr Witter offered the following as a substitute for the title:
"An act entitled an act to repudiate foreign indebtedness for [illegible] years."
The ayes and nays being called for and ordered, there were
Ayes—4. Nays—9.
Those voting in the affirmative were
Messrs Chaffee, Witter, Crocker and Garcia.
Those voting in the negative were
Messrs Steele, Holly, Wilhite, Scudder, Rankin, Noteware, W[illegible]temore, Barela and Mr Speaker *pro tem.*
So the substitute was not adopted.
The question recurring on agreeing to the title, and the
Ayes and nays being called for and ordered, there were
Ayes—10. Nays—3.
Those voting in the affirmative were
Messrs Steele, Holly, Wilhite, Scudder, Rankin, Noteware, Wh[illegible]temore, Crocker, Barela and Mr Speaker *pro tem.*
Those voting in the negative were
Messrs Chaffee, Witter and Garcia.
So the title was agreed to.
The following messages from the Council were received and rea[d].

COUNCIL CHAMBER,
October 18, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that t[he] Council adhere to its amendments in

H B No 50, An act to prevent and punish resistance to officer[s].

Also, H B No 66, An act to create a lien in favor of ranchm[en] and others.

S. L. BAKER, Sec'y of the Council.

COUNCIL CHAMBER,
October 22, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that th[e] Council refuses to concur in House amendments to

C.B No 20, An act concerning actions of persons holding lands, except as against the United States.

S. L. BAKER,
Sec. of the Council.

COUNCIL CHAMBER,
October. 22, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed

H B No 69, An act concerning justices of the peace and constables, with amendments to-wit:

Strike out in section 6, "and in cases of distress for rent upon landlords' warrants."

Also, in section 11 strike out the word "twenty," and insert the words "one hundred."

Also, in section 18 strike out the words "and twenty dollars respectively."

Also, in section 51 insert "thirty" for "seventy" in fourth line; also insert, in third line from bottom, the word "thirty" for "seventy."

Also, in section 61 insert "act" for "chapter."

Also, in section 80 strike out the words "which may be recovered before any justice, in the name of the party injured."

Also, strike out section 83.

Also, strike out, in section 85, all after the word warrant, and insert the words "for the apprehension of the defendant, and the defendant may release his body by entering into a bond with one or more sufficient sureties, to be approved by the justice, conditioned to pay any judgment which may be recovered against him."

Also, fill the blank in section 89 with the words "five hundred dollars."

Also, fill the blank in second line of section 102, with the word "one."

S. L. BAKER, Sec'y of Council.

Mr Crocker moved to concur in Council amendments to H B No 69.

The ayes and nays being called for and ordered, there were

Ayes—13. Nays—0.

Those voting in the affirmative, were

Messrs Steele, Holly, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia and Mr Speaker *pro tem*.

So the motion prevailed.

Mr Wilhite gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act to provide for vacancies in the Legislature. Also, a bill for An act to punish contempt in the Legislature, and for other purposes.

Mr Witter moved that the House insists on disagreeing to the Council amendments to, H B No 50, a bill for An act to punish resistance to officers. Carried.

On motion,

The House adjourned until 10 o'clock, to-morrow morning.

HOUSE OF REPRESENTATIVES,
October 23, 1861.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs Wilhite and Rankin.

Mr Steele asked leave of absence for the day. Granted.

A quorum being present,

The Journal of Tuesday's proceedings was read and approved.

Mr Wilhite asked leave of absence for the remainder of the forenoon. Granted.

Mr Crocker, from the committee on Judiciary presented the following report:

Mr Speaker:

Your committee on Judiciary would report several additional sections as amendments to C B No. 14. and also report herewith,

An act concerning marriage.

An act concerning oaths and affirmations

An act concerning fugitives from justice, and a substitute for H B's 35 and 61.

H B 35 and 61, your committee find to be precisely the same thing, one a copy of the other.

Respectfully submitted.

GEORGE F. CROCKER, Ch'n.

Mr Chilcott, from committee on Engrossment, presented the following report:

Mr. Speaker:

Your committee on engrossed bills beg leave to report H B No. 34, also H B No. 107, as correctly engrossed.

G. M. CHILCOTT, Chairman.

H B No. 66, a bill for An act to create a lien in favor of Ranchmen and others, with Council amendments, was taken up.

Mr Witter moved that the House insist on disagreeing to the amendment.

The ayes and nays being called for and ordered, there were
Ayes—9. Nays—2.

Those voting in the affirmative were

Messrs Scudder, Rankin, Noteware, Whittemore, Witter, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were
Messrs Chaffee and Mr Speaker.
The motion prevailed.

Mr Witter moved that the House insists on its amendments to H B No. 20, a bill for An act concerning persons holding lands except as against the United States.

Ayes and nays being called for and ordered, there were,
Ayes—7. Nays—3.
Those voting in the affirmative were
Messrs Rankin, Noteware, Whittemore, Witter, Crocker, Barela and Mr Speaker.
Those voting in the negative were
Messrs Scudder, Chaffee and Chilcott.
So the motion prevailed.

Mr Crocker gave notice that on to-morrow, or some subsequent day, he would introduce
A bill for An act to incorporate the Colorado oil company.

Mr Crocker moved that the reports of the committee on Judiciary made yesterday and to-day, be adopted. Carried.

Mr Witter offered the following resolution as one of the standing rules of the House:

All bills and joint resolutions which have been read a second time and which are not referred, or when reported back by the committee to whom referred, shall be entered by the clerk in the general orders of the day, unless made a special order for a particular day and shall be taken up for consideration by the House in the order in which they stand.

So the resolution was adopted.
The following bills were
Read first time by their titles:
H B No. 127, a bill for An act concerning marriage.
Also, H B No. 128, a bill for An act concerning fugitives from justice.

Also, H B No. 129, a bill for An act concerning oaths and affirmations.

Also, substitute for H B No. 61, a bill for An act concerning partitions of real estate.

The following bills, were
Read second time, by their titles:
H B No. 127.
H B No. 128.
H B No. 128, and
Substitute for H B No. 61.

Mr Witter moved that H B No. 127, be referred to committee on Education. Carried.

H B No 107, a bill for An act concerning counties and county officers, was
Read a third time by its title.

Mr Crocker moved to strike out section 10 of article 7, relating to the fees of county Treasurer. Carried.

Mr Witter moved to refer the fee bill to the committee on county nd county lines, with instruction to amend it in conformity with he fee bill.

The motion prevailed and the bill was so referred.

H B No. 34, a bill for An act regulating the fees of officers, jurors and witnesses, was

Read third time by its title.

Mr Chilcott moved that the bill be referred to committee on counties and county lines.

The motion prevailed and the bill was so referred.

Mr Chilcott, from committee on engrossment, made the following report:

Mr. Speaker:

Your committee on engrossed bills beg leave to report H B No 7, as correctly engrossed.

G. M. CHILCOTT, Chairman.

H B No 110, a bill for An act concerning jurors, was taken up id read by sections.

Mr Witter moved to amend section 2, so that the Grand Jury all consist of twelve persons, of whom nine may find a bill. arried.

Mr Noteware moved to strike out "twenty-four jurors," in section , and insert "eighteen jurors." Lost.

Mr Witter moved to strike out "three dollars" in section 15, and isert "five dollars." Carried.

Mr Crocker moved the bill be ordered engrossed for a third reading. Carried.

Mr Chilcott, from committee on counties and county lines, made the following report:

Mr. Speaker:

Your committee on counties and county lines have had H B No 34, an act relating to the fees of officers, jurors and witnesses.

Also—H B 107, under consideration, and beg leave to report the said bills without amendment and recommend their passage.

G. M. Chilcott, *Chairman.*

Mr Witter moved that the bills be put on their final passage.

The question recurring on the final passage of H B No 107, a bill for An act relating to counties and county officers, there were

Ayes—11. Nays—0.

Those voting in the affirmative, were

Messrs Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela Garcia, Chilcott and Mr Speaker.

So the bill passed.

Title agreed to.

The question recurring on the final passage of H B No 34, a bill

for An act relating to the fees of officers, jurors and wittnesses, here were

Ayes—7. Nays—4.

Those voting in the affirmative, were

Messrs Rankin, Chaffee, Noteware, Witter, Crocker, Barela and Garcia.

Those voting in the Negative, were

Messrs Scudder, Whittemore. Chilcott and Mr Speaker.

Mr Witter changed his vote.

So the bill passed.

Title agreed to.

Mr Chaffee moved that the bill be ordered engrossed for a third eading. Carried.

H B No 121 a bill for An act concerning the District and Sureme Courts, was taken up and read by sections.

Mr Witter moved to strike out the "county of Russell" in secon 3. Carried.

The Assistant Secretary of the Council appeared and delivered e following messages:

COUNCIL CHAMBER,
Octoberr 23, 1861.

r. Speaker:

I am instructed by the Council to inform the House that the ouncil has passed a "Joint Resolution relative to the Executive epartment," without amendment.

S. L. BAKER,
Secretary of Council.

COUNCIL CHAMBER,
October 21, 1861.

Speaker:

I am instructed by the Council to inform the House that the ouncil has passed the following bills:

H B No. 86, a bill for An act to provide for the expenses of the rritory of Colorado.

Also, H B No. 96, An act to authorize the appointment of Comsioners of Deeds, without amendment.

Also, H B No. 65, An act to provide for contested elections, with endment, to-wit:

Strike out of section seven (7) the word "or," in third line, and r by indictment," in same line, and respectfully ask your concurco therein.

Also, H B No. 41, An act concerning criminal jurisprudence, Council refused to recede from its amendments to sections 140 1 182.

S. L. BAKER, Secretary.

Mr Chilcott moved to refer H B No. 121 to a special committee,

with instructions to fix the time of holding courts by law. Carried.

The chair announced as such committee,

Messrs Chilcott, Witter and Scudder.

H B No. 122, a bill for An act concerning ejectments, was taken up and read by sections.

On motion of Mr Chilcott, the House adjourned to 2 P. M.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

Speaker in the chair.

Mr Scudder asked and obtained leave of absence for one hour.

Mr Rankin moved a call of the House.

A call of the House being ordered, and Messrs Wilhite and Noteware found absent, the sergeant-at-arms was dispatched for the absentees.

After some time spent under the call, Mr Noteware appeared and took his seat.

Mr Rankin moved that further proceedings under the call be dispensed with. Carried.

Mr Crocker moved that Mr Noteware be excused for absence during a call of the House. Carried.

H B No. 117, a bill for An act to establish the common school system, which was made the special order for the day, was taken up and read by sections.

Mr Chaffee moved to strike out "five hundred dollars," in the 1st section, and insert "three hundred dollars."

Mr Chilcott moved to amend the amendment by increasing the amount to "eight hundred dollars"

The ayes and nays being called for and ordered, there were

Ayes—7. nays—4.

Those voting in the affirmative were

Messrs Wilhite, Rankin, Noteware, Whittemore, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Chaffee, Witter, Crocker and Mr Speaker.

So the amendment prevailed.

The question recurring on the motion as amended, and the ayes and nays being called for and ordered, there were

Ayes—5. Nays—7.

Those voting in the affirmative were

Messrs Noteware, Whittemore, Barela, Garcia and Chilcott.

Those voting in the negative were,

Messrs Wilhite, Scudder, Rankin, Chaffee, Witter, Crocker and Mr Speaker.

So the motion as amended was lost.

Mr Wilhite, from committee on Enrollment, made the following report:

Mr Speaker:

The committee on Enrollment, would respectfully report the following bills correctly enrolled, to-wit:

H B No 73, entitled An act concerning cost.

H B No 45, entitled An act concerning warrants of cities and towns.

H B No 76, An act concerning amendments and jeofails.

H B No 74, An act concerning attorneys and counselors at law.

H B No 20, An act regulating the mode of proceedings in replevin.

H B No 16, An act relating to notaries public.

H B No 40, An act concerning practice in chancery.

H B No 77, An act concerning venue.

H B No 42, An act to prescribe the rate of interest.

The following messages from the Council were received and read:

COUNCIL CHAMBER,
October 23rd 1861.

Mr Speaker:—

I am instructed to inform the House that the Council has concurred in the following amendments to

C B No. 25, "a bill for An act to define county boundaries and to locate county seat in Colorado Territory," to-wit:

To amendments in section 3, also to amendments in sections 30, 31, 32 and 33, also to sec 37, locating the county seat at Parkville; also concur in amendment to section 27, with an amendment striking out the words "Mill City" and inserting the word "Idaho" in its place and the concurrence of the House is repectfully requested.

S. L. BAKER, Secretary.

COUNCIL CHAMBER,
October 23d, 1861.

Mr Speaker:—

I am instructed by the Council to inform the House that the Council has passed

H B No. 72, "An act concerning evidence and depositions."

Also, H B No. 22, "An act regulating the mode of proceedings in attachments in the district courts" without amendment;

Also, H B No. 39, "An act concerning lost goods and estrays" amended by striking out the words "one dollar" in section 18, and inserting the words "the legal rates therefor" in its place;

Also, H B No. 71, "An act to establish the office of county attorney and define his duties" amended by striking out the word "four" in 5th line of 1st section and inserting the word "two" in its place;

Also, C B No. 31, "An act to provide for grand and petit jurors;"

Also, C B No. 33, "An act to provide for the incorporation of railroads;"

Also, C B No. 35, "An act concerning marks and brands for animals;" and respectfull ask your concurrence therein.

S. L. BAKER,
Secretary of the Council.

Mr Chaffee moved to add the following as an amendment to section 1, of H B No. 117, "the said salary to be paid out of any monies accruing to the schools fund from any fines forfeited to the use of common schools in this Territory.

Mr Barela moved to amend the amendment so "that the salary of the superintendant of public schools be paid out of the first monies of the Treasury, in preference to any other demand."

The ayes and nays being called for and ordered, there were
Ayes—6. Nays—5.

Those voting in the affirmative were
Messrs Scudder, Noteware, Whittemore, Barela, Garcia and Chilcott.

Those voting in the negative, were
Messrs Rankin, Chaffee, Witter, Crocker and Mr Speaker.

So the amendment prevailed.

Mr Chaffee moved a call of the House.

A call of the House being ordered, and Mr Wilhite found absent, the Sergeant-at-Arms was dispatched for the absentee.

Mr Crocker moved to adjourn to 7 P. M.

The ayes and nays being called for and ordered, there were
Ayes 3. Nays 8.

Those voting in the affirmative, were
Messrs Chaffee, Witter and Crocker.

Those voting in the negative, were
Messrs Scudder, Rankin, Noteware, Whittemore, Barela, Garcia, Chilcott and Mr Speaker.

So the motion was lost.

Mr Rankin moved that further proceedings under the call be dispensed with.

The ayes and nays being called for and ordered, there were
Ayes 7. Nays 5.

Those voting in the affirmative were
Messrs Rankin, Whittemore, Witter, Crocker and Chilcott.

Those voting in the negative were
Messrs Scudder, Chaffee, Noteware, Barela, Garcia, Mr Speaker

So the motion was lost.

Mr Witter moved to adjourn.

The ayes and nays being called for and ordered, there were
Ayes—3. Nays—8.

Those voting in the affirmative were,
Messrs Chaffee, Witter and Crocker.

Those voting in the negative were
Messrs Scudder, Rankin, Noteware, Whittemore, Barela, Garcia and Mr Speaker.

Mr Crocker moved to adjourn to 7 P. M.

The ayes and nays being called for and ordered, there were
Ayes—4. Nays—7.
Those voting in the affirmative were
Messrs Rankin, Chaffee, Witter and Crocker.
Those voting in the negative were
Messrs Scudder, Noteware, Barela, Garcia, Whittemore, Chilcott and Mr Speaker.
So the motion was lost.
Mr Rankin moved that further proceedings under the call be dispensed with.
The ayes and nays being called for and ordered, there were
Ayes—3. Nays—8.
Those voting in the affirmative were
Messrs Rankin Whittemore and Witter.
Those voting in the negative were
Messrs Scudder, Chaffee, Noteware, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
So the motion was lost.
Mr Noteware moved that further proceedings under the call be dispensed with.
The ayes and nays being called for and ordered, there were
Ayes—9. Nays—2.
Those voting in the affirmative were
Messrs Scudder, Rankin, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
Those voting in the negative were
Messrs Chaffee and Witter.
So the motion prevailed.
The question recurring on the motion of Mr Chaffee as amended, and the
Ayes and nays being called for and ordered, there were
Ayes—5. Nays—6.
Those voting in the affirmative, were
Messrs Noteware, Whittemore, Crocker, Barela and Garcia.
Those voting in the negative were
Messrs Scudder, Rankin, Chaffee, Witter, Chilcott and Mr Speaker.
So the motion as amended was lost.
Mr Noteware moved that the bill be considered read a third time. Carried.

Mr Wilhite was excused for being absent during the call of the House.

Mr Witter moved to recommit the bill to the committee on Education, with instructions to strike out all the sections relating to Territorial superintendent of common schools.

The ayes and nays being called for and ordered, there were
Ayes—5. Nays—7.

Those voting in the affirmative were
Messrs Wilhite, Chaffee, Witter, Crocker and Mr Speaker.
Those voting in the negative were

Messrs Scudder, Rankin, Noteware, Whittemore, Barela, Garcia and Chilcott.

So the motion was lost.

Mr Noteware moved to fill the blank in section 11 with "the 1st day of December."

Ruled out of order, on the final passage of the bill.

Mr Noteware moved to strike out section 11, and insert in lieu of it a new section, containing the same matter, with the blank filled with the words, "the 1st day of December."

A division of the question was called for.

The question being on striking out, and

The ayes and nays being called for and ordered, there were

Ayes—10. Nays—2.

Those voting in the affirmative were

Messrs Willhite, Rankin, Chaffee, Noteware, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Scudder and Crocker.

So the first division of the motion was adopted.

The question being to insert, and

The ayes and nays being called for and ordered, there were,

Ayes—8. Nays—4.

Those voting in the affirmative were

Messrs Willhite, Rankin, Noteware, Whittemore, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Scudder, Chaffee, Witter and Crocker.

So the last division of the motion was adopted.

Mr Witter called for the reading of the bill, and the bill was accordingly read.

Mr Witter offered the following as an additional section:

"All books, maps, charts or school apparatus which may be received by the Superintendent of Public Schools from publishers, inventors or manufacturers, shall be placed by him in the public library of the Territory. Adopted.

The question recurring on the final passage of the bill, there were,

Ayes—8. Nays—4.

Those voting in the affirmative were

Messrs Willhite, Rankin, Noteware, Whittemore, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Scudder, Chaffee, Witter and Crocker.

So the bill passed, and the

Title agreed to.

Mr Chilcott moved to adjourn.

Mr Noteware moved to amend by adjourning to 7 P. M.

The ayes and nays being called for and ordered, there were

Ayes—7, nays—5.

Those voting in the affirmative were

Messrs Wilhite, Scudder, Chaffee, Noteware, Whittemore, Crocker and Garcia.
Those voting in the negative were
Messrs Rankin, Witter, Barela, Chilcott and Mr Speaker.
So the amendment prevailed.
The question recurring on the motion as amended, and
Ayes and nays being called for and ordered, there were
Ayes—6. Nays—6.
Those voting in the affirmative were
Messrs Wilhite, Scudder, Noteware, Whittemore, Crocker and Garcia.
Those voting in the negative were
Messrs Rankin, Chaffee, Witter, Barela, Chilcott and Mr Speaker.
So the motion as amended was lost.
Mr Rankin gave notice that on to-morrow, or some subsequent day, he would introduce
A joint resolution and memorial relating to salaries of Territorial officers.
Mr Crocker moved to adjourn to 7 P. M.
The ayes and nays being called for and ordered, there were
Ayes 6, nays 6.
Those voting in the affirmative, were
Messrs Wilhite, Scudder, Rankin, Noteware, Whittemore and Crocker.
Those voting in the negative were
Messrs Chaffee, Witter, Barela, Garcia, Chilcott and Mr Speaker.
So the motion was lost.
Mr Chilcott moved to adjourn to 9½ A. M. to-morrow.
Ayes and nays being called for and ordered, there were,
Ayes—8 Nays—4
Those voting in the affirmative were
Messrs Wilhite, Chaffee, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker.
Those voting in the negative were
Messrs Scudder, Rankin, Noteware and Crocker.
The House adjourned to 9½ o'clock, to-morrow morning.

House of Representatives,
Oct. 24nd, 1861.

House met pursuant to adjournment.
Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—Messrs Steele and Crocker.
A quorum being present
The Journal of Wednesday's proceedings was read and approved.
Mr Chaffee presented a petition from attorneys in the 2d judicial district, praying for an early term of the court in said district.

Mr Chilcott, from committee on Engrossment, presented the following report:

Mr. Speaker:

Your committee on Engrossed bills beg leave to report H B No 120 as correctly engrossed.

G. M. CHILCOTT, Chairman.

Mr Wilhite, from select committee, made the following report:

Mr Speaker:

Your committee to whom was referred H B No. 11, entitled An act to locate the seat of government of Colorado Territory, would report that they have had the same under consideration, and would report the same back to the House with the following additional sections, to be added immediately after the first section in the original bill, and would recommend the passage of the same.

All of which is respectfully submitted.

E. S. WILHITE, Chairman.
J. B. CHAFFEE.

Sec. 2. The actual site of said capitol buildings shall be within the incorporate limits of the city of Denver, and the grounds for the same shall be selected by three commissioners, to-wit: S. L. Baker and Edwin H. Brown, of Central City, and J. M. Holt, of Gold Hill; who shall have power to perfect a title for the same at a cost of not more than one hundred dollars; and the grounds so selected by a majority of said commissioners, shall be the site of the seat of government for this Territory.

Sec. 3. The commissioners shall, within thirty days after the adjournment of the present Legislature, meet at the city of Denver, and proceed to select the grounds, as in the previous section, and shall make a statement of the same under oath, which, with other papers relating thereto, shall be placed on file in the office of the Secretary of this Territory.

Sec. 4. The commissioners shall be allowed the sum of three dollars per day, while engaged in locating said capitol grounds, and fifteen cents for each mile in traveling to and from the city of Denver on such business, which shall be paid out of the treasury of the Territory from moneys not otherwise appropriated.

Mr Chilcott, from same committee, made the following report:

Mr. Speaker:

The undersigned committee to whom was referred H B No. 11, in regard to the location of the Territorial Capitol, being of opinion that in all matters wherein the Territory at large is concerned, this Legislative Assembly should legislate for the general good, and for the greatest number, we therefore are of the opinion that the capitol of this Territory should be located at some point on the Arkansas River, and would suggest the city of Pueblo, for the following reasons, to-wit:

Because of its central locality; also its accessibility at all seasons

of the year, from all settled portions of the Territory; also its central position for the agricultural and great mining interests of the Territory, and from the fact that it will best accommodate a large majority of the people of the Territory; and lastly, because it is situated on one of the two great highways leading from this Territory to the Missouri River.

It is for these and many other good and substantial reasons that we would urge the location of the Capitol at this time at the city of Pueblo.

We would therefore report the following as a substitute for sec. 1 in the original bill:

The permanet location of the seat of Government of the Territoy of Colorado is hereby located at the city of Pueblo, on the Arkansas river.

Also amend by striking out Denver city wherever it occurs, and insert Pueblo city.

Also strike out the names of the commissioners in section 2, and insert E. B. Cozzens, J. Howard and J. B. Doyle, and recommend its passage with the additional sections.

G. M. CHILCOTT.
JESUS M. BARELA.

Mr Steele made a verbal report in favor of Cherokee city.

Mr Scudder moved that the reports be received and the committee discharged

Mr Rankin moved not to concur in the amendment to section 27 of C B No. 25, a bill for An act to fix county boundaries and locate county seats.

The ayes and nays being called for and ordered, there were

Ayes—6. Nays—6.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee and Whittemore.

Those voting in the negative, were

Messrs Witter, Crocker, Barela, Garcia, Chilcott and Mr. Speaker.

Mr Noteware was excused from voting,

So the motion was lost.

Mr Chilcott moved that the House concur.

Ayes and nays being called for and ordered, there were

Ayes—8. Nays—5.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Whittemore, Witter, Crocker, Barela, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Scudder, Rankin, Chaffee, Noteware and Garcia.

So the motion prevailed.

Mr Crocke moved that the House concur in the amendments to H B No. 65, a bill for An act to provide for contested elections. Carried.

Mr Crocker moved to concur in amendments to H B No. 39, a bill for An act concerning lost goods and estrays. Carried.

Mr Witter moved to concur in amendments to H B No. 71, a bill for An act to establish the office of county attorney and define his duties. Carried.

Mr Witter moved to insist on resisting to the amendments to H. B. No. 41, a bill for An act concerning criminal jurisprudence, and ask a committee of conference. Lost.

Mr Chaffee moved to recede from insisting on amendments to H B No 41. Carried.

Mr Wilhite gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act to incorporate a Territorial University.

Mr Rankin gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act relating to mining.

Mr Rankin, previous notice having been given, introduced Joint Memorial No 5, A memorial relative to the salaries of the joint assembly and Territorial officers.

Mr Garcia gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act to change the name of Guadaloupe county to that of Conejos.

Mr Chaffee gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act entitled An act to incorporate the Cash creek and Lake creek ditch company.

Mr Rankin moved that H B No 13, a bill for An act to confirm the action of the people within the limits of the present Territory of Colorado, in establishing courts and recording offices, in the absence of Territorial organization, be taken from the table and referred to a select committee.

Mr Witter called for a division of the question.

The first division was adopted.

Mr Witter moved to amend the last division, so that the bill be referred to the committee on Judiciary.

Another division was called for.

The division to refer prevailed.

The division to refer to committee on Judiciary did not prevail.

The bill was referred to a select committee.

The chair announced as such committee,

Messrs Rankin, Scudder and Crocker.

Mr Crocker gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act authorizing the U. S. Marshal to serve papers in certain cases;

Also, a bill for An act concerning bonds in certain cases.

Mr Witter gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act to incorporate the Buckskin Joe ditch company.

Mr Noteware gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act to incorporate the George Town and Central City toll road.

Mr Wilhite gave notice that on to-morrow, or some subsequent

day, he would introduce a bill for An act to incorporate the Iowa ditch company.

Mr Noteware gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act to incorporate the Grand City town company.

Mr Wilhite, previous notice having been given, introduced

H B No. 130, a bill for An act to provide for vacancies in the Legislature, which was

Read first time by its title.

Also, H B No. 131, a bill for An act to punish contempt in the Legislature, and for other purposes.

Joint Memorial No. 5, was

Read first time, by its title.

C B No. 31, a bill for An act concerning grand and petit jurors,

Was read first time by its title.

Also, C B No. 33, a bill for An act to provide for the incorporation of railroads.

Also, C B No. 35, a bill for An act concerning marks and brands for animals.

The following Council bill were

Read second time, by their titles:

C B No's. 31, 33 and 35.

The following House bills were

Read second time, by their titles:

H B No's. 130, 131 and Joint Memorial No. 5.

H B No. 120, a bill for An act relative to aliens, was

Read a third time by its title.

The question recurring on the final passage of the bill, there were,

Ayes—13. Nays—0.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed, and

Title agreed to.

Mr Chilcott, from committee on Engrossment, presented the following report:

Mr. Speaker:

Your committee on engrossed bills, beg leave to report H B No. 119, as correctly engrossed.

G. M. CHILCOTT.

H B No. 119, a bill for An act concerning jurors, was

Read third time by its title.

The question recurring on the final passage of the bill, there were

Ayes—12. Nays—0.

Those voting in the affirmative were,

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware,

Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed, and the

Title agreed to.

Mr Chaffee moved that joint resolution No. 4, relative to a Territorial seal, be detached from the accompanying report, and be engrossed. Carried.

Mr Noteware, from committee on education made the following report:

Mr Speaker:

Your committee to whom was referred H B No. 127, An act concerning marriage, report the same back to the House and recommend its passage.

J. H. NOTEWARE, Ch'n.

H B No. 26, a bill for An act to prevent and punish election frauds, was taken up and read by sections.

Mr Crocker moved to strike out the word "felony," in section 1, and insert "misdemeanor." Carried.

Mr Witter moved to strike out the words "or under any semblance or pretence of law," from section 1. Carried.

Mr Witter moved to strike out the word "under," in the same section, and insert "according to." Carried.

Message from the Council:

COUNCIL CHAMBER,
October 24, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council insists on its amendment to H B No. 66, An act to create a lien in favor of ranchmen and others.

Also, that they have amended House amendment to section 4 of C B No. 20, a bill for An act concerning actions by persons holding lands except as against the United States, by striking out the word "twenty-five," and inserting the word "five," in its place, and your concurrence therein is requested.

S. L. BAKER, Secretary.

Mr Witter moved to amend all the sections of H B No 26, to make them correspond with the amendments to section 1, where the same phraseology occurs. Carried.

Mr Witter moved that the bill be ordered engrossed for a third reading. Carried.

H B No 49, a bill for An act for the establishment of police magistrates' courts in towns and cities, was taken up and read by sections.

Mr Rankin moved that the word "shall," in section 1, be stricken out, and the word "may" inserted. Carried.

Mr Chaffee moved that the bill be indefinitely postponed.

The ayes and nays being called for and ordered, there were
Ayes—6. Nays—6.
Those voting in the affirmative were
Messrs Steele, Chaffee, Noteware, Whittemore, Witter and Garcia.
Those voting in the negative were
Messrs Scudder, Rankin, Crocker, Barela, Chilcott and Mr Speaker.
So the motion was lost.
Mr Noteware moved that the bill be made the special order for July 4th, 1862.
The ayes and nays being called for and ordered, there were
Ayes—4. Nays—8.
Those voting in the affirmative were
Messrs Steele, Noteware, Witter and Barela.
Those voting in the negative were
Messrs Scudder, Rankin, Chaffee, Whittemore, Crocker, Garcia, Chilcott and Mr Speaker.
So the motion was lost.
Mr Chaffee moved that the bill be laid on the table for two weeks. Lost.
Mr Noteware moved that the bill be considered read a third time and put upon its final passage. Lost.
Mr Crocker moved that the bill be considered engrossed and ordered to its third reading. Carried.
Mr Witter moved that H B No 59, be laid on the table. Carried.
Mr Rankin moved that substitute for H B No 60, a bill for An act concerning wills, executors and administrators, be considered engrossed.
The motion was withdrawn.
Mr Witter moved that the bill be engrossed for a third reading. Carried.
Mr Rankin moved that H B No 83, a bill for An act to legalize certain proceedings and for other purposes, be referred to same committee to whom was referred H B No 13. Carried.

Mr Rankin moved that H B No 113, a bill for An act concerning probate courts, be considered read a third time and put upon its final passage Carried.

Mr Witter moved a reconsideration of the vote by which the bill was ordered to its final passage. Carried.

Mr Witter moved to amend so that the bill be ordered engrossed for a third reading.

The amendment prevailed, and the motion as amended was adopted.

Mr Crocker moved that H B No 104, a bill for An act concerning sheriffs and coroners, be referred to committee on counties and county lines. Carried.

Mr Witter moved that H B No 105, a bill for an act concerning legal advertisements, be ordered engrossed for a third reading. Carried.

C B No 17, a bill for An act concerning divorce and alimony, and substitute for C B No 17, were taken up and read by sections.

Mr Noteware moved to adjourn to 2 P. M.

The ayes and nays being called for and ordered, there were

Ayes—7. Nays—5.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Noteware, Witter, Barela and Garcia.

Those voting in the negative were,

Messrs Rankin, Whittemore, Crocker, Chilcott and Mr Speaker

So the House adjourned to 2 P. M.

AFTERNOON SESSION.

2 O'CLOCK P. M.

Speaker in the chair.

Mr Chilcott asked and obtained leave of absence for one hour.

Mr Rankin moved that the substitute for C B No. 17, be ordered engrossed for a third reading.

The ayes and nays being called for and ordered, there were

Ayes—7. Nays—5.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Crocker and Mr Speaker.

Those voting in the negative were

Messrs Noteware, Whittemore, Witter, Barela and Garcia.

So the motion prevailed.

Mr Rankin moved that H B No. 26, be indefinitely postponed. Carried.

Mr Chaffee moved that H B No. 109, be indefinitely postponed. Carried.

Mr Noteware moved that H B No. 115, be referred to committee on Judiciary. Carried.

C B No. 12, a bill for An act to establish the rate of charges for publication of legel advertisements, was

Read third time.

The question recurring on the final passage of the bill, there were,

Ayes—8. Nays—4.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Noteware, Whittemore, Crocker, Barela, Garcia and Mr Speaker.

Those voting in the Negative, were

Messrs Scudder, Rankin, Chaffee and Witter.

So the bill passed, and

Title agreed to.

Mr Chaffee moved that C B No. 13, a bill for An act in relation to bonds and mortgages and legal proceedings for their collection, be considered

Read a third time, and put upon its final passage. Carried.
The question recurring on the final passage of the bill, there were
Ayes—7. Nays—6.
Those voting in the affirmative, were
Messrs Steele, Wilhite, Noteware, Witter, Barela, Garcia and Chilcott.
Those voting in the negative, were
Messrs Scudder, Rankin, Chaffee, Whittemore, Crocker and Mr Speaker.
So the bill passed.

Mr Crocker moved to strike out the title and insert in lieu thereof the following, "An act to take away judicial power from the courts and allow every man to do his own judicial business."

The ayes and nays being called for and ordered, there were
Ayes—6. Nays—7.
Those voting in the affirmative were
Messrs Scudder, Rankin, Chaffee, Crocker, Garcia and Mr Speaker.
Those voting in the negative were
Messrs Wilhite, Noteware, Whittemore, Witter, Barela and Chilcott.
So the motion was lost.

The question recurring on agreeing to the title of the bill, and
The ayes and nays being called for and ordered, there were
Ayes—7. Nays—6.
Those voting in the affirmative were
Messrs Steele, Wilhite, Noteware, Whittemore, Witter, Barela and Chilcott.
Those voting in the negative were
Messrs Scudder, Rankin, Chaffee, Crocker, Garcia and Mr Speaker.
So the motion prevailed.

Mr Steele moved to reconsider the vote by which the bill was just passed.
Mr Witter moved to lay the motion on the table.
The ayes and nays being called for and ordered, there were
Ayes—6. nays—7.
Those voting in the affirmative were
Messrs Wilhite, Noteware, Witter, Barela, Garcia and Chilcott.
Those voting in the negative, were
Messrs Scudder, Rankin, Chaffee, Whittemore, Crocker and Mr Speaker.
So the motion was lost.

The question recurring on the motion to reconsider, and
The ayes and nays being called for and ordered, there were
Ayes—9. Nays—5.
Those voting in the affirmative were
Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Crocker, Chilcott and Mr Speaker.

Those voting in the negative were,
Messrs Wilhite, Whittemore, Witter, Barela and Garcia.
So the motion prevailed.

Mr Noteware moved that the bill be made the special order for to-morrow at 10 A. M. Lost.

Mr Whittemore called for the reading of the bill, and the bill was accordingly read.

The question again recurring on the final passage of the bill, there were
Ayes—2. Nays—11.
Those voting in the affirmative were
Messrs Garcia and Chilcott.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker Barela and Mr Speaker.
So the bill did not pass.

C B No. 14, a bill for An act concerning conveyances of real estate, was
Read third time.

The question recurring on the final passage of the bill, there were
Ayes—11. Nays—2.
Those voting in the affirmative, were
Messrs Steele, Wilhite, Scudder, Rankin, Noteware, Whittemore, Witter, Crocker, Barela, Garcia and Chilcott.
Those voting in the negative were
Messrs Chaffee and Mr Speaker.
So the bill passed and
Title agreed to.

C B No 21, a bill for An act concerning entries and unlawful detainers, was
Read third time, by its title.
The question recurring on the final passage of the bill, there were,
Ayes—12. Nays—1.
Those voting in the affirmative, were
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
Mr Witter voted in the negative.
So the bill passed.
Title agreed to.

C B No 22, a bill for An act concerning bills of exchange and promissory notes, was taken up and read by sections.

Mr Scudder moved to amend section 1, so that sight drafts should have three days' grace.
Mr Whittemore moved to amend by striking out section 1.
The ayes and nays being called for and ordered, there were
Ayes—2. Nays—10.
Those voting in the affirmative were
Messrs Whittemore and Crocker.

Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Witter, Garcia, Chilcott and Mr Speaker.
Mr Barela was excused from voting.
So the amendment was lost.

The motion of Mr Scudder was lost.
On motion of Mr Witter, the House adjourned to 7 P. M.

EVENING SESSION.

7 O'CLOCK P. M.

Speaker in the chair.

Mr Crocker moved that C B No 22 be considered engrossed and read a third time—carried.

The question recurring on the final passage of the bill, there were
Ayes—11. Nays—2.
Those voting in the affirmative were
Messrs Steele, Wilhite, Rankin, Chaffee, Whittemore, Witter, Crocker, Barelà, Garcia, Chilcott and Mr Speaker.
Those voting in the negative were
Messrs Scudder and Noteware.
So the bill passed.
Title agreed to.

H B No 24, a bill for An act to authorize the appointment of referees in civil actions, was
Read third time.

The question recurring on the final passage of the bill, there were
Ayes—6. Nays—7.
Those voting in the affirmative were
Messrs Wilhite, Rankin, Witter, Barela, Garcia and Chilcott.
Those voting in the negative were
Messrs Steele, Scudder, Chaffee, Noteware, Whittemore, Crocker and Mr Speaker.
So the bill did not pass.

Mr Chaffee moved that C B No. 32, be referred to the committee on incorporations. Carried.

H B No. 122, a bill for An act concerning ejectments, was
Read a third time by its title.

The question recurring on the final passage of the bill there were
Ayes—11. Nays—1.
Those voting in the affirmative were
Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
Mr Witter voting in the negative
So the bill passed.
Title agreed to.

Mr Chaffee moved that H B No. 123, a bill for An act concerning joint rights and obligations, be engrossed for a third reading Carried.

H B No. 124, a bill for An act to prevent the introduction o animals for the purpose of grazing within certain limits,

Was taken up and read by sections.

Mr Garcia moved to amend section 1, by inserting after the word "Costilla" the words "and Gaudeloupe" and changing the word "county" to "counties," and striking out the words "San Miguel de la" before Costilla. Carried.

Mr Chaffee moved that the bill be ordered engrossed for a third reading. Carried.

H B No. 125, a bill for An act to establish a territorial library and cabinet,

Was taken up and read by sections.

Mr Chaffee moved to amend section 15, by striking out "six hundred" and inserting "one hundred."

Mr Noteware moved to amend the amendment by the insertion of "one thousand."

Ayes and nays being called for and ordered, there were

Ayes—4. Nays—9.

Those voting in the affirmative, were

Messrs Noteware, Whittemore, Barela and Garcia.

Those voting in the negative, were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Witter, Crocker, Chilcott and Mr Speaker.

So the amendment was not adopted.

The question recurring on the motion of Mr Chaffee, and

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative were

Messrs Steele, Scudder, Chaffee, Witter and Mr Speaker.

Those voting in the negative, were

Messrs Wilhite, Rankin, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

So the motion was lost.

The question recurring on the final passage of the bill, there were

Ayes—10. Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Rankin, Noteware, Whittemore, Witter Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Scudder, Chaffee and Crocker.

So the bill passed.

Title agreed to.

On motion of Mr Chilcott,

The House adjourned to 10 A. M., to-morrow.

House of Representatives,
October 25, 1861.

House met pursuant to adjournment.
Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—Mr Rankin.

Mr Noteware presented a petition from citizens on Clear Creek, praying for a road charter to W. H. Floyd, from Idaho to Bergen's Ranche.

Also, a petition from citizens of the same place, praying for a road charter to Thos. Z. Kalbaugh, from Idaho to Missouri City.

Mr Chilcott, from committee on counties and county lines, made the following report:

Mr. Speaker:

Your committee to whom was referred H B No. 104, have had the same under consideration, and beg leave to report the same back and recommend its indefinite postponement.

G. M. CHILCOTT, Chairman.

Mr Crocker, from committee on Judiciary, reported H B No 132 a bill for An act relating to the proceedings on writs of habeas corpus, and recommeded its passage.

Mr Wilhite from committee on Territorial Affairs, made the following report:

Mr Speaker:

The committee to whom H B No 98 was referred, would respectfully recommend the bill back to the House without amendments, and ask the non-concurrence of the House to the same, for the following reasons, namely:

1st. A great portion of the road has been opened and traveled for a great number of years past.

2d. The other portion has been opened and put in good condition by our people; and

3d. The people who live in that portion of the country would consider themselves greatly wronged and outraged if such a bill should pass.

All of which is respectfully submitted.

E. S. WILHITE, Ch'n.

The following message from the Governor was received and read:

Executive Department, Colorado Ter.
Denver, October 24, 1861.

To the Speaker of the House of Representatives:—

Sir: I have approved and signed the following acts, entitled
An act to prescribe the rate of interest.
An act concerning attorneys and counselors at law.
An act concerning costs.

An act concerning the warrants of cities and towns.
An act concerning amendments and jeofails.
An act concerning practice in chancery.
An act regulating the mode of proceedings in replevin.
An act relative to notaries public.
An act concerning venue.

Very respectfully,
WILLIAM GILPIN.
Governor of Colorado Territory.

H B No. 66, with an amendment by the Council, was taken up.
Mr Witter moved that the House refuse to recede from its disagreement, and ask a committee of conference. Carried.
The chair announced as such committee,
Messrs Witter, Crocker and Steele.
Mr Witter moved to concur in the amendment to C B No. 20, a bill for An act concerning persons holding lands except as against the United States. Carried.
Mr Garcia moved that the report of the committee on Territorial Affairs, on H B No. 98, be adopted.
Ruled out of order, on the ground that the report pertained to a private bill.
Mr Wilhite moved to take from the table the motion for the reconsideration of the vote adopting the rule excluding private bills until the 28th inst.
Mr Witter moved to lay the motion the table.
The ayes and nays being called for and ordered, there were
Ayes—6. Nays—7.
Those voting in the affirmative were
Messrs Rankin, Chaffee, Whittemore, Witter, Crocker and Chilcott.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Notoware, Barela, Garcia and Mr Speaker.
So the motion was lost.
Mr Garcia, previous notice having been given, introduced
H B No. 133, a bill for An act to change the name of Guadaloupe county to Conejos county.
H B No. 132, was read a first time by its title.
Also, H B No. 133.
Mr Crocker, previous notice having been given, introduced
H B No. 134, a bill for An act concerning bonds in certain cases, which was
Read a first time by its title.
Also, H B No. 135, a bill for An act authorizing the United States Marshal to serve process in certain cases.
The following House bills were
Read second time, by their titles:
H B Nos 132, 133, 134 and 135.

H B No 49, a bill for An act for the establishment of Police Magistrate's courts in towns and cities, was
Read third time.
The recurring on the final passage of the bill, there were
Ayes—7. Nays—6.
Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Rankin, Crocker, Barela and Garcia.
Those voting in the negative were
Messrs Chaffee, Noteware, Whittemore, Witter, Chilcott and Mr Speaker.
Mr Rankin changed his vote.
So the bill passed, and the
Title was agreed to.
H B No. 126, a bill for An act concerning injunctions,
Was taken up and read by sections.
Mr Witter moved that the bill be ordered engrossed for a third reading. Carried.
H B No. 127, a bill for An act concerning marriages,
Was taken up and read by sections.
Mr Whittemore moved that the bill be ordered engrossed for a third reading. Lost.
Mr Noteware moved that the bill be considered engrossed and Read third time.
Mr Chaffee moved that the bill be indefinitely postponed.
The motion was withdrawn.
Mr Crocker moved that the bill be recommitted to committee on education. Carried.
H B No. 61, a bill for An act concerning the partition of real estate,
Was taken up and read by section.
Mr Noteware moved that the bill be considered engrossed and read a third time. Carried.
The question recurring on the final passage of the bill, there were
Ayes—12. Nays—0.
Those voting in the affirmative, were
Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
So the bill passed, and the
Title was agreed to.
H B No. 128, concerning fugitives from justice,
Was taken up and read by sections.
Mr Noteware moved that the bill be considered engrossed and read a third time. Carried.
The question recurring on the final passage of the bill, there were
Ayes 10. Nays 3.
Those voting in the affirmative were
Messrs Steele, Rankin, Chaffee, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative, were

Messrs Wilhite, Scudder and Noteware.

So the bill passed and the

Title agreed to.

H B No. 129, a bill for An act concerning oaths and affirmations,

Was taken up and read by sections.

Mr Noteware moved that the bill be considered engrossed and read a third time. Carried.

The question recurring on the final passage of the bill, there were

Ayes—13. Nays—0.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed, and the

Title was agreed to.

Mr Witter moved that H B No. 11, a bill for An act to locate the seat of government for Colorado Territory, be made the special order for to-morrow. Carried.

Mr Chilcott, from committee on engrossment made the following report:

Mr Speaker:—

Your committee on engrossed bills beg leave to report H B No. 60, H B No. 103, H B No. 105, H B No. 123, H B No. 106, H B No. 124, and also joint resolution No 4, as correctly engrossed.

G. M. CHILCOTT, Chairman.

H B No 130, a bill for An act to provide for vacancies of the Legislature,

Was taken up and read by sections.

Mr Chaffee moved that the bill be considered engrossed and read third time. Carried.

The question recurring on the final passage of the bill, there were

Ayes 13, Nays 0.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed, and

Title agreed to.

HB No. 31, a bill for An act to punish contempt and for other purposes,

Was taken up and read by sections.

Mr Crocker moved to strike out all after the word "Houses" i section 15. Carried.

Mr Noteware moved that the bill be considered engrossed a read third time. Carried.

The question recurring on the final passage of the bill, there

Ayes 6. Nays 7.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Noteware, Barela, Chilcott and Mr Speaker.

Those voting in the negative, were

Messrs Scudder, Rankin, Chaffee, Whittemore, Witter, Crocker Garcia.

the bill did not pass.

motion of Mr Noteware, the House adjourned to 2 P M.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

eaker in the chair.

r Witter asked and obtained leave of absence for the afternoon.

r Crocker, from committee on Judiciary reported back H B No a bill for An act concerning homesteads, with a substitute with recommendation.

r Crocker moved that C B No 31, a bill for An act to provide grand and petit jurors, be laid on the table. Carried.

r Chilcott, from committee on Engrossment, presented the following report:

Speaker:

our committee on engrossed bills beg leave to report H B No as correctly engrossed.

G. M. CHILCOTT, Ch'n.

n motion of Mr Crocker, the rules were suspended, and the use resolved itself into committee of the Whole on

I B No 113, a bill for An act to provide for additional members the Council and House of Representatives of Colorado Terri-y, and fixing the time of the meeting of the Legislature.

Ir Crocker in the chair.

After some time spent therein, the committee rose, and through ir chairman, Mr Crocker, made the following report:

That the committee had had under consideration the bill referred them, and would report the same back, with the recommenda-n that it be referred to a select committee.

Mr Chaffee moved that the report be adopted. Carried.

The chair announced as such committee,

Messrs Crocker, Witter and Rankin.

Mr Wilhite gave notice that on to-morrow, or some subsequent , he would introduce a bill for An act relating to the commit-nt of prisoners;

Also, a bill for An act concerning a line fence.

Mr Rankin, previous notice having been given, introduced H B 136, a bill for An act concerning jails;

Also, H B No 137, a bill for An act concerning mining and oth claims.

Mr Wilhite, previous notice having been given, introduced H. No 138, a bill for An act to provide for elections within the limi of military posts.

The motion of Mr Wilhite, which was pending during the for noon session, to take from the table the motion to reconsider th vote by which the rule was adopted, excluding private bills unt the 28th instant, had passsed,

Was taken up and adopted.

The vote was reconsidered.

The question recurring on the adoption of the rule, and.

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—7.

Those voting in the affirmative, were

Messrs Wilhite, Scudder, Chaffee, Whittemore and Crocker.

Those voting in the negative were

Messrs Steele, Rankin, Noteware, Barela, Garcia, Chilcott an Mr Speaker.

So the rule was not adopted.

The following message from the Council was received and rea

COUNCIL CHAMBER,
October. 24, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed

H B No 87, "An act to organize and establish the Treasury De partment, with the following amendments, viz:

By striking out, in section 1, article I, the words "until the f general Territorial election," and inserting the words "for t years." Also, by striking out, in last line of said section, the wo "or certificates of election."

Also, amending article I, by adding section 7, as follows:

"All books, maps, stationery, furniture, office rent, fuel and ot necessaries for the use of the Auditor's and Treasurer's offices, sh be furnished at the expense of the Territory."

Also amending article IV, section 1, by filling the blank with words "on or before the first Monday in October."

Also, amending article IV, section 5, by filling the blank w the words "first Monday in October."

Also, amending article VI, sectton 2, so as to read as follows:

"The Auditor and Treasurer of this Territory shall receive a s ary of two thousand dollars per annum each, which shall be p quarterly, out of the Territorial Treasury. The Auditor sha and he is hereby required to perform the duties of Registe Lands."

S. L. BAKER, Sec'y of the Counc

Mr Wilhite, previous notice having been given, introduced

H B No 139, a bill for An act to incorporate the Iowa ditch company.

Also, H B 140, a bill for An act to provide for the payment of the expenses of the Legislature.

Also, H B No 131, a bill for An act to incorporate the Clear Creek and Platte River ditch and water company.

Mr Crocker, previous notice having been given, introduced

H B No 142, a bill for An act to incorporate the Colorado Oil Company.

Mr Wilhite moved that the rules be suspended, and the bills just introduced be read a first and second time by their titles.

The following bills were accordingly

Read first and second time by their titles.

H B No's 136, 137, 138, 139, 140, 141 and 142.

Mr Noteware, previous notice having been given, introduced

H B No 143, a bill for An act to incorporate the Grand City town company.

Also, H B No 144, a bill for An act to incorporate the Boulder benevolent ditch company.

Mr Chilcott gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act authorizing the taking of the census in Colorado Territory.

Mr Chaffee moved that the several bills that had been read a first and second times be referred to committee of the Whole. Carried.

Mr Chaffee from committee on Incorporations, reported back the following bills, with the recommendation that they be referred to the committee of the Whole:

H B No 89, a bill for An act to incorporate Canon City.

H B No 90, a bill for An act to incorporate the city of Pueblo.

H B No 91, a bill for An act to incorporate the Altona town company.

H B No 92, a bill for An act to incorporate the Bear canon road company.

H B No 93, a bill for An act to incorporate the St Vrain, Altona, Boulder Mines, Gregory and Middle Park road company.

H B No. 99, a bill for An act granting the exclusive right to Joseph M. Jacques and Joseph V. Garcia to maintain a ferry across the Rio Grande, at Paso del Puerto.

H B No. 100, a bill for An act to incorporate the Clear Creek wagon road company.

H B No 101, a bill for An act to incorporate the Idaho and Missouri City wagon road company.

C B No. 2, a bill for An act to incorporate the Rocky Mountain and Pittsburg gold mining company.

Mr Crocker moved that the report be adopted. Carried.

Mr Crocker moved that H B No 114, An act concerning homesteads, and the substitute therefor, be made the special order for 7 P. M. Carried.

Mr Scudder gave notice that on to-morrow or some subsequent day, he would introduce

A bill supplementary to An act entitled an act concerning judgments and executions.

Mr Noteware, previous notice having been given, introduced

H B No 145, a bill for An act to incorporate the Accidental tunnel company.

Mr Rankin, from select committee, made the following report.

To the House of Representatives:

Your select committee to whom was referred H B No. 13, also H B No 83, would beg leave to report the same back, and recommend that they be laid on the table, and would introduce an other act which in their opinion, covers the whole ground of both bills.

W. A. RANKIN, Chairman.

Mr Noteware moved to concur in Council amendment to H B No 87, a bill for An act to organize the Treasury Department.

Mr Chaffee called for a division of the question, and called for the ayes and nays on each.

The question being on concurring in the amendment to section 1, striking out the words "until the first general election," there were

Ayes—10. Nays—2.

Those voting in the affirmative were

Messrs Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Steele and Mr Speaker

So the amendment was concurred in.

The question being on concurring in the amendment to the same section, to strike out the words "or certificate of election," there were

Ayes—11. Nays—1.

Those voting in the affirmative, were

Messrs Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Mr Steele voting in the negative.

Mr Chaffee moved to amend the amendment to the additional section in article 4, by striking out the words "and other necessary," and concurring in the amendment as amended,

The ayes and nays being called for and ordered, there were

Ayes—6. Nays—5.

Those voting in the affirmative were

Messrs Scudder, Rankin, Noteware, Crocker, Garcia and Chilcott.

Those voting in the negative were

Messrs Steele, Wilhite, Chaffee, Whittemore and Mr Speaker.

So the amendment as amended was concurred in.

The question being to concur in the amendment to section 1 of article 4, there were

Ayes—11. Nays—0.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Garcia, Chilcott and Mr Speaker.

So the amendment was concurred in.

The amendment to section 5, of same article, was concurred in by general consent.

Mr Noteware moved to amend the Council amendment to section 2, article 6, by reducing the salaries of the Treasurer and Auditor from "$2,000" to "$1,500," and

The ayes and nays being called for and ordered, there were

Ayes—3. Nays—9.

Those voting in the affirmative were

Messrs Wilhite, Noteware and Chilcott.

Those voting in the negative were

Messrs Steele, Scudder, Rankin, Chaffee, Whittemore, Crocker, Barela, Garcia and Mr Speaker.

So the amendment was lost.

The question being to concur in the amendment, there were

Ayes—0. Nays—12.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the amendment was not concurred in.

Mr Crocker, moved that the House do not concur in the last amendment. Carried.

Mr Rankin gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act to provide for taking the census of the Territory of Colorado.

Mr Chaffee moved to adjourn to 7 P. M.

Mr Chilcott moved to amend by adjourning to 10 A M to-morrow. Lost.

The motion of Mr Chaffee prevailed and the House adjourned accordingly.

EVENING SESSION.

7 O'CLOCK P. M.

Speaker in the chair.

Mr Rankin asked and obtained leave of absence for the evening.

Mr Scudder gave notice that on to-morrow or some subsequent day, he would introduce

A joint memorial for the relief of the original government and the Provisional Government.

Mr Crocker offered the following joint resolution:

Resolved, By the Council and House of Representatives of Colorado Territory, that this Legislative Assembly will adjourn *sine die* on, 3d day of November, A. D. 1861.

Mr Chaffee moved to amend by the insertion of the "7th," in place of "3d."

The ayes and nays being called for and ordered, there were

Ayes—9. Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Chaffee, Noteware, Whittemore, Witter, Barela, Garcia and Chilcott.

Those voting in the negative were,

Messrs Scudder, Crocker and Mr Speaker.

So the amendment prevailed.

The question recurring on the resolution as amended, and

The ayes and nays being called for and ordered, there were

Ayes—8. Nays—4.

Those voting in the affirmative were

Messrs Scudder, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela and Chilcott.

Those voting in the negative were

Messrs Steele, Wilhite, Garcia and Mr Speaker.

Messrs Scudder and Chaffee changed their votes.

So the resolution as amended was adopted

The special order, H B No 118, a bill for An act concerning homesteads and substitute for H B No 118, were taken up and read by sections.

Mr Witter moved to amend section 5 of H B No 114, by adding after the word "contracted," the words "within the limits of this Territory." Carried.

Mr Witter moved that the bill be engrossed for a third reading

Mr Wilhite moved that the House adjourn.

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—7.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Barela and Chilcott.

Those voting in the negative were,

Messrs Chaffee, Noteware, Whittemore, Witter, Crocker, Garcia and Mr Speaker.

So the motion was lost.

Mr Chaffee moved that the bill be laid on the table.

The ayes and nays being called for and ordered, there were

Ayes—3. nays—9.

Those voting in the affirmative were

Messrs Scudder, Chaffee and Crocker.

Those voting in the negative, were

Messrs Steele, Wilhite, Noteware, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker.

So the motion was lost.

Mr Noteware moved to amend the motion of Mr Witter, so that the bill be considered engrossed and read a third time.

The ayes and nays being called for and ordered, there were,

Ayes—8. Nays—4.

Those voting in the affirmative were
Messrs Steele, Wilhite, Noteware, Witter, Barela, Garcia, Chilcott and Mr Speaker.
Those voting in the negative were
Messrs Scudder, Chaffee, Whittemore and Crocker.
So the amendment prevailed, and the motion as amended was adopted.
The question recurring on the final passage of the bill, there were
Ayes—9. Nays—3.
Those voting in the affirmative, were
Messrs Steele, Wilhite, Chaffee, Noteware, Witter, Barela, Garcia, Chilcott and Mr Speaker.
Those voting in the negative, were
Messrs Scudder, Whittemore and Crocker.
So the bill passed, and
Title agreed to.
Mr Noteware moved to adjourn to 10 A M to-morrow.
Mr Whittemore moved to amend by adjourning to 9 A M to-morrow.
The ayes and nays being called for and ordered, there were
Ayes—3. Nays—9.
Those voting in the affirmative were
Messrs Scudder, Chaffee and Whittemore.
Those voting in the negative were
Messrs Steele, Wilhite, Noteware, Witter, Barela Crocker, Garcia, Chilcott and Mr Speaker.
So the motion was lost.
The question recurring on the motion of Mr Noteware, and
The ayes and nays being called for and ordered, there were
Ayes—8. Nays—4.
Those voting in the affirmative were
Messrs Steele, Wilhite, Noteware, Witter, Crocker, Barela, Garci and Chilcott.
Those voting in the negative were
Messrs Scudder, Chaffee, Whittemore andMr Speaker.
So the House adjourned to 10 A. M. to-morrow.

House of Representatives,
October 26, 1861.

House met pursuant to adjournment.
Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—Mr Rankin.
A quorum being present
The Journal of Friday's proceedings was taken up for reading.

Mr Chilcott moved that the further reading of the Journal be dispensed with. Carried.

Mr Steele, from special committee, made the following report:

Mr Speaker:—

Your committee, to whom was referred H B No 54, and C B No 27, would respectfully report that they have had the bills under consideration, and have had evidence produced by interested parties as to title to a part of said road, and it appears to your committee as follows:

The original title to that part of the road commencing at or near the Michigan House, and running eastwardly to Robinson's House—about six miles—appears to be in one Oliver Graves; subsequently it was claimed by D. McCleery, and the dispute was agreed by the parties to be settled by arbitration. The first amount to be paid to Graves by the said D. McCleery, for his interest in the road, was $400, to be paid in sixty days. About the time of the expiration of the sixty days, the said D. McCleery, by his attorney, one Kirby, offered as a tender some bills, purporting to be paper money, which was refused by Graves. The said Graves did not refuse or state his refusal of the tender to be because of the paper money, but because he was dissatisfied with the arbitration, and said he would not stand to it.

Subseqently, another arbitration was agreed upon by the attornies of both claimants. The result of this arbitration was, that McCleery was to pay Graves $150; all disputes were to be settled; suits dropped, and McCleery was to have the road. On the day, or about that time, a tender was made to Graves, which was in road tickets and silver coin; the tender was refused on the same ground as before. During this litigation, or most of it, Graves had possession of the road and received toll thereon, as the said McCleery did not show how he became the possessor of any right at first as to title.

Your committee are of the opinion that the title to that part of the road rightfully and equitably is in Graves, and recommend that C B No 27 be passed, and that H B No 54 be so amended as to grant a charter to that part of road lying east of the road, as expressed in C B No 27.

DANIEL STEELE, Chairman.

Mr Crocker, from special committee, made the following report:

Mr Speaker:

Your committee, to whom was referred H B No 113, would recommend to amend section 1, by striking out the words "first regular," and insert "next" in lieu thereof.

In section 2, strike out first and second lines, and insert "At the general election in December next, there shall be elected four."

Strike out sections 5, 6 and 7, and with these amendments recommend its passage.

GEORGE F. CROCKER, Ch'n.

Mr Chaffee moved to reconsider the vote by which the Council amendments section 2, of article VI, was not concurred in. Carried.

Mr Chilcott called to the chair.

Mr Chaffee moved to amend the amendment to section 2, of article VI, by striking out all after the word "salary," and inserting the words "of five hundred dollars per annum each, which shall be paid quarterly out of the Territorial Treasury."

Mr Holly moved to amend the amendment by changing the words "five hundred" to "three hundred."

The ayes and nays being called for and ordered, there were

Ayes—7, nays—6.

Those voting in the affirmative were

Messrs Steele, Holly, Chaffee, Whittemore, Witter, Barela and Garcia.

Those voting in the negative were

Messrs Wilhite, Scudder, Rankin, Noteware, Crocker and Mr Speaker *pro tem.*

So the amendment prevailed.

The ayes and nays being called for and ordered, on the amendment as amended, there were,

Ayes—9. Nays—4.

Those voting in the affirmative were,

Messrs Steele, Wilhite, Rankin, Chaffee, Whittemore, Witter, Barela, Garcia and Holly

Those voting in the negative were,

Messrs Scudder, Noteware, Crocker and Mr Speaker *pro tem.*

So the amendment as amended was adopted.

The Council amendment as amended was concurred in.

Mr Chaffee gave notice that on to-morrow, or some subsequent day, he would introduce a bill for an act entitled An act to incorporate the Bald Mountain ditch company.

Mr Crocker offered the following resolution:

Resolved, That N. J. Bond is entitled to the sum of sixty-three dollars, as per diem and mileage, while contesting the right to a seat in this House, from the 9th Representative District. The above amount shall be paid in the same manner as other contingent expenses of the House are to be paid by law.

Mr Chaffee moved to refer the resolution to the committee on Territorial Affairs. Lost.

The question recurring on the adoption of the resolution, and

The ayes and nays being called for and ordered, there were

Ayes—6. Nays—6.

Those voting in the affirmative were

Messrs Steele, Noteware, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative, were

Messrs Wilhite, Scudder, Rankin, Chaffee, Whittemore and Mr Speaker.

Mr Witter was excused from voting.

Mr Wilhite changed his vote.

So the resolution was not adopted.

Mr Wilhite moved that the report of the special committee on H B No 57 and C B No. 27, be adopted. Carried..

Mr Chilcott moved that the report of the committee on H B No 104 be adopted. Carried.

Mr Garcia moved that H B No 98 be indefinitely postponed. Carried.

Mr Witter gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to incorporate the Platte City ditch company.

Mr Crocker moved that it be made the duty of the committee on Printing to examine and correct the daily Journal. Carried.

Mr Wilhite, previous notice having been given, introduced

H B No 147, a bill for An act relating to the commitment of prisoners.

Also, H B No 148, a bill for An act concerning a line fence.

Also, H B No 150, a bill for An act to establish the University of Colorado.

Mr Scudder, previous notice having been given, introduced

H B No 149, a bill for An act supplementary to an act entitled An act concerning judgments and executions."

Mr Rankin, previous notice having been given, introduced

H B No 152, a bill for An act to provide for taking the census of Colorado Territory.

Mr Witter, previous notice having been given, introduced

H B No 152, a bill for An act to incorporate the Buckskin Joe ditch company.

Mr Noteware, previous notice having been given, introduced

H B No 153, a bill for An act to incorporate the Davidson ditch company.

Also, H B No 154, a bill for An act to incorporate the St Vrain ditch company.

The following bills were

Read a first time by their titles.

H B No 143, a bill for An act to incorporate the Grand City town company.

Also, H B No 144, a bill for An act to incorporate the Boulder Benevolent ditch company.

Also, H B No 145, a bill for An act to incorporate the Accidental tunnel company.

Also, H B No 146, a bill for An act concerning arbitration and award.

Also, H B Nos. 147, 148, 149, 150, 151, 152, 153 and 154.

The above bills were

Read second time, by their titles:

Mr Chaffee moved that all the bills just read be referred to the committee of the Whole.

Ayes and nays being called for and ordered, there were

Ayes—10. Nays—3.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore Crocker, Barela, Garcia and Mr Speaker.

Those voting in the negative, were

Messrs Rankin, Witter and Chilcott.

So the motion prevailed and the bills were so referred.

Mr Chilcott moved that H B No 95 be taken from the table and placed among the general orders. Carried.

Mr Chaffee moved that the bill be referred to the committee of the Whole. Carried.

Substitute for H B No 60, a bill for An act concerning wills, executors and administrators, was

Read third time by its title.

The question recurring on the final passage of the bill, there were, Ayes—12. Nays—1.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Mr Witter voted in the negative.

So the bill passed, and the

Title agreed to.

H B No 103, a bill for An act concerning probate courts, was

Read a third time by its title.

Mr Wilhite moved to strike out the words "Probate Justice of the Peace" wherever they occur in the bill and insert "Probate Judge," which motion by general consent prevailed.

The question recurring on the final passage of the bill, there were, Ayes 11. Nays 2.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Rankin and Witter.

So the bill passed.

Title agreed to.

H B No. 105, a bill for An act concerning legal advertisements, Read third time, by its title.

The question recurring on the final passage of the bill, there were, Ayes—12. Nays—1.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Mr Whittemore voted in the negative.

So the bill passed and

Title agreed to.

Substitute for H B 106 a bill for An act concerning divorce and alimony, was

Read third time by its title.

The question recurring on the final passage of the bill, there were Ayes 11, nays 2.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Witter, Crocker, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Whittemore and Barela.

So the bill passed.

Title agreed to.

H B No 123, a bill for An act concerning joint rights and obligations, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—11. Nays—1.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Garcia, Chilcott and Mr Speaker.

Mr Witter voted in the negative.

So the bill passed, and

Title agreed to.

H B No 124, a bill for An act to prevent the introduction of animals within certain limits for grazing purposes, was

Read a third time by its title.

The question recurring on the final passage of the bill there were

Ayes—13. Nays—0.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed, and the

Title agreed to.

H B No 125, a bill for An act concerning injunctions, was

Read third time, by its title.

The question recurring on the final passage of the bill, there were,

Ayes—11. Nays—2.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were

Mr Witter and Mr Speaker.

So the bill passed.

Title agreed to.

Mr Wilhite moved that H B No 11, a bill to locate the seat of government for Colorado Territory, which was made the special order for to-day, be made the special order for Monday.

Mr Chaffee moved to adjourn.

Ayes and nays being called for and ordered, there were

Ayes—4. Nays—9.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Chaffee.

Those voting in the negative, were

Messrs Rankin, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the motion was lost.

The ayes and nays being called for and ordered on the motion of Mr Wilhite, there were

Ayes 5. Nays 8.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Noteware and Mr Speaker.

Those voting in the negative were

Messrs Rankin, Chaffee, Whittemore, Witter, Crocker, Barela, Garcia and Chilcott.

So the motion was lost.

H B No 11, was taken up.

Mr Chaffee moved that the report of the committee signed by the chairman be adopted.

Mr Chilcott moved to amend so that the report in favor of Pueblo be adopted.

Mr Crocker moved to amend the amendment so that the report of Mr Steele in favor of Cherokee City, be adopted.

Ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative, were

Messrs Steele, Noteware, Whittemore, Witter and Mr Speaker.

Those voting in the negative were

Messrs Wilhite, Scudder, Rankin, Chaffee, Crocker, Barela, Garcia and Chilcott.

So the amendment of Mr Crocker was not adopted.

The ayes and nays being called for and ordered, on the motion of Mr Chilcott, there were

Ayes—7. Nays—6.

Those voting in the affirmative were

Messrs Rankin, Whittemore, Witter, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative, were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware and Mr Speaker.

So the motion prevailed.

Ayes and nays being called for and ordered on the original motion as amended, there were

Ayes—5. Nays—8.

Those voting in the affirmative, were

Messrs Whittemore, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Witter and Mr Speaker.

So the motion as amended was not adopted.

Mr Chilcott moved to adjourn to 2 P M.

Mr Witter moved to adjourn.

The ayes and nays being called for and ordered, there were

Ayes—2. Nays—11.

Those voting in the affirmative were,

Messrs Wilhite and Witter.

Those voting in the negative were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the motion was lost.

The ayes and nays being called for and ordered, on the motion of Mr Chilcott, there were

Ayes—6. Nays—7.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Whittemore, Witter and Chilcott.

Those voting in the negative were

Messrs Rankin, Chaffee, Noteware, Crocker, Barela, Garcia and Mr Speaker.

So the motion was lost.

Mr Rankin moved to amend the bill by striking out "Denver City" wherever it occurs and insert "Central City."

Mr Whittemore moved to amend the amendment by the insertion of "Hamilton."

Mr Witter called for a division of the question.

The question being on striking out, and the

Ayes and nays being called for and ordered, there were,

Ayes—9. Nays—4

Those voting in the affirmative were

Messrs Steele, Scudder, Rankin, Noteware Whittemore, Witter, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Wilhite, Chaffee, Crocker and Mr Speaker.

So the first division prevailed.

The question being to insert Hamilton and the

Ayes and nays being called for and ordered, there were

Ayes 5. Nays 8.

Those voting in the affirmative, were

Messrs Whittemore, Witter, Crocker, Barela and Chilcott.

Those voting in the negative were

Messrs Steele, Wilhite, Rankin, Scudder, Chaffee, Noteware, Garcia and Mr Speaker.

So the division was not adopted.

The question being to insert "Central City," and

The ayes and nays being called for and ordered, there were

Ayes—4. Nays—9.

Those voting in the affirmative were

Messrs Rankin, Witter, Crocker and Chilcott.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Barela, Garcia and Mr Speaker.

So this division was not adopted.

Mr Witter moved that the House adjourn to 2 P M, at which time they proceed to fill the blank by ballot.

Mr Crocker moved to amend the motion by now filling the blank with "Canon City."

Mr Chaffee moved to amend the amendment that the blank be filled with "Julesburg."

Mr Wilhite moved that the house adjourn to 2 P. M.

The ayes and nays being called for and ordered, there were

Ayes—6. Nays—7.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Crocker, Garcia and Chilcott.

Those voting in the negative were

Messrs Rankin, Chaffee, Noteware, Whittemore, Witter, Barela, and Mr Speaker.

So the motion was lost.

The question being on the amendment of Mr Chaffee, and

The ayes and nays being called for and ordered, there were

Ayes—6. Nays—7.

Those voting in the affirmative were,

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee and Noteware.

Those voting in the negative were

Messrs Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the amendment was not adopted.

The question being on the motion of Mr Crocker, and

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative were

Messrs Whittemore, Witter, Crocker, Garcia and Chilcott.

Those voting in the negative were

Messrs Steele, Wilbite, Scudder, Rankin, Chaffee, Noteware, Barela and Mr Speaker.

So the motion was not adopted.

Mr Noteware moved to adjourn to 2 P. M.

The ayes and nays being called for and ordered, there were

Ayes—7. Nays—6.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Noteware, Crocker, Garcia and Chilcott.

Those voting in the negative, were

Messrs Rankin, Chaffee, Whittemore, Witter, Barela and Mr Speaker.

So the motion prevailed.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

The question recurring on the motion of Mr Witter, to fill the blank by ballot, which was pending at the time of adjournment,

Mr Scudder moved to amend so that the blank be filled by a *viva voce* vote.

The ayes and nays being called for and ordered, there were

Ayes—12. Nays—0.

Those voting in the affirmative were

Messrs Steele. Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the motion prevailed.

Mr Scudder moved a call of the House.

A call of the House being ordered, and Mr Wilhite found absent, the Sergeant-at-arms was dispatched for the absentee.

After some time, the Sergeant-at-arms reported Mr Wilhite in his seat.

Mr Rankin moved that further proceedings under the call be dispensed with. Carried.

Mr Chilcott was called to the chair.

Mr Holly moved that the House vote separately on each place proposed to fill the blank.

The ayes and nays being called for and ordered, there were

Ayes 6. Nays 7.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Noteware, Holly and Mr Speaker *pro tem.*

Those voting in the negative, were

Messrs Rankin, Chaffee, Whittemore, Witter, Crocker, Barela and Garcia.

So the motion was lost.

Mr Witter moved that the roll be called, and that each person upon his name being called name the place of his choice, and that the blank be filled with the place having a majority of all the votes cast. Carried.

FIRST ROLL CALL.

Mr Steele voted for Golden City; 1.

Messrs Wilhite, Scudder, and Chaffee voted for Denver; 3.

Mr Rankin voted for Central City; 1.

Mr Noteware voted for Empire City; 1.

Messrs Whittemore and Witter voted for Hamilton; 2.

Mr Crocker voted for Canon City; 1.

Mr Barela voted for Costilla; 1.

Mr Garcia voted for Sajanche Valley; 1.

Mr Holly voted for Boulder; 1.

Mr Speaker *pro tem* voted for Pueblo; 1.

No one place having received a majority of all the votes cast, the blank was not filled.

SECOND ROLL CALL.

Mr Steele voted for Golden City; 1.

Messrs Wilhite, Scudder and Chaffee voted for Denver; 3.

Mr Rankin voted for Jonesboro; 1.

Mr Noteware voted for Empire City; 1.
Mr Whittemore voted for Hamilton; 1.
Messrs Witter and Garcia voted for Sajanche Valley; 2.
Mr Crocker voted for Canon City; 1.
Mr Barela voted for Costilla; 1.
Mr Holly voted for Gold Hill; 1.
Mr Speaker *pro tem* voted for Colorado City; 1.
No one place having a majority of all the votes cast, the blank was not filled.
Mr Speaker resumed the chair.
Mr Chaffee offered the following resolution:

Resolved, That a vote be cast for filling the blank, and that the place having the lowest number of votes, be dropped after each ballot.

Mr Wilhite offered the following as a substitute:

Resolved. That a vote be taken, and the place having the lowest number of votes be dropped, and that the party vote for one of the other places named in this vote.

The substitute was not adopted.
The motion of Mr Chaffee was not adopted.

THIRD ROLL CALL.

Messrs Steele, Wilhite, Scudder and Chaffee voted for Denver; 4.
Mr Rankin voted for Colorado City; 1.
Mr Noteware voted for Fall River; 1.
Messrs Whittemore and Witter voted for Hamilton; 2.
Mr Crocker voted for Yaap; 1.
Mr Barela voted for Costilla; 1.
Mr Garcia voted for Sajanche Valley; 1
Mr Chilcott voted for Pueblo; 1.
Mr Speaker voted for Altona; 1.
No one place having received a majority of all the votes cast, the blank was not filled.

FOURTH ROLL CALL.

Messrs Steele, Crocker, Barela, Garcia and Chilcott voted for Colorado City; 5.
Messrs Wilhite, Scudder and Chaffee voted for Denver; 3.
Mr Rankin voted for Ft Garland; 1.
Mr Noteware voted for Mill City; 1.
Messrs Whittemore and Witter voted for Hamilton; 2.
Mr Speaker voted for Utilla; 1.
No one place having received a majority of all the votes cast, the blank was not filled.

FIFTH ROLL CALL.

Messrs Steele, Wilhite, Scudder and Chaffee voted for Denver; 4.

Messrs Rankin, Crocker, Barela, Garcia and Chilcott voted for Colorado City; 5.

Mr Noteware voted for Spanish Bar; 1.

Messrs Whittemore and Witter voted for Hamilton; 2.

Mr Speaker voted for Gold Dirt; 1

No one place having received a majority of all the votes cast, the blank was not filled.

SIXTH ROLL CALL.

Messrs Steele, Wilhite, Scudder and Chaffee voted for Denver; 4.

Messrs Rankin, Barela and Garcia voted for Colorado City; 3.

Mr Noteware voted for Paine's Bar; 1.

Messrs Whittemore, Witter and Crocker voted for Tarryall; 3.

Mr Chilcott voted for Pueblo; 1.

Mr Speaker voted for Mt Vernon; 1

No one place having received a majority of all the votes cast, the blank was not filled.

SEVENTH ROLL CALL.

Mr Steele voted for Cherokee City; 1.

Messrs Wilhite, Scudder and Chaffee voted for Denver; 3.

Mr Rankin and Mr Speaker voted for Apex; 2.

Mr Noteware voted for Idaho; 1.

Messrs Whittemore and Witter voted for Tarryall; 2.

Mr Crocker voted for Oro City; 1.

Messrs Barela and Chilcott voted for Canon City, 2.

Mr Garcia voted for Colorado City; 1.

No one place having received a majority of all the votes cast, the blank was not filled,

Mr Witter moved to adjourn.

The ayes and nays being called for and ordered, there were

Ayes—4. Nays—9.

Those voting in the affirmative were

Messrs Steele, Wilhite, Whittemore and Witter.

Those voting in the negative were

Messrs Scudder, Rankin, Chaffee, Noteware, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the motion was lost.

EIGHTH ROLL CALL.

Messrs Steele, Wilhite, Scudder, Chaffee and Mr Speaker voted for Denver; 5.

Messrs Rankin, Whittemore, Crocker and Barela voted for Colorado City; 4.

Mr Noteware voted for Trail Creek; 1.

Mr Witter voted for Tarryall; 1.

Messrs Garcia and Chilcott voted for Canon City; 2.

No one place having received a majority of all the votes cast, the blank was not filled.

NINTH ROLL CALL.

Mr Steele voted for St Vrain; 1.

Messrs Wilhite, Scudder, Chaffee, Noteware and Crocker voted for Denver; 5.

Messrs Rankin, Whittemore, Witter, Barela and Chilcott voted for Colorado City; 5.

Mr Garcia voted for Canon City; 1.

Mr Speaker voted for Golden Gate: 1.

No one place having received a majority of all the votes cast, the blank was not filled.

TENTH ROLL CALL.

Messrs Steele, Wilhite, Scudder and Chaffee voted for Denver; 4.

Messrs Rankin, Garcia and Chilcott voted for Calabria; 3.

Mr Noteware voted for Grass Valley Bar; 1.

Messrs Whittemore and Witter voted for Tarryall; 2.

Messrs Crocker and Barela voted for Colorado City; 2.

Mr Speaker voted for Golden City: 1.

No one place having received a majority of all the votes cast, the blank was not filled.

ELEVENTH ROLL CALL.

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware and Mr Speaker voted for Denver; 6.

Messrs Rankin, Whittemore, Crocker and Barela voted for Colorado City; 4.

Mr Witter voted for Hamilton; 1.

Mr Garcia voted for Conejos; 1.

Mr Chilcott voted for Pueblo; 1.

No one place having received a majority of all the votes cast, the blank was not filled

TWELFTH ROLL CALL.

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware and Mr Speaker voted for Denver; 6.

Messrs Rankin, Whittemore, Crocker, Barela, Garcia and Chilcott voted for Colorado City; 6.

Mr Witter changed his vote from Colorado City to Hamilton.

No one place having received a majority of all the votes cast, the blank was not filled.

THIRTEENTH ROLL CALL.

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware and Crocker voted for Denver; 6.

Messrs Rankin, Whittemore, Barela, Garcia and Chilcott voted for Colorado City; 5.

Mr Witter voted for Hamilton; 1.

Mr Speaker voted for Pueblo; 1

No one place having received a majority of all the votes cast, the blank was not filled.

FOURTEENTH ROLL CALL.

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, and Crocker voted for Denver; 7.

Messrs Rankin, Barela, Garcia and Chilcott voted for Colorado City; 4.

Mr Witter voted for Tarryall; 1.

Mr Speaker voted for Pueblo; 1.

A majority of all the votes being cast for Denver, the blank was filled accordingly.

Mr Chaffee moved that the bill, with the amendments proposed by the committee, and the blank filled with "Denver," be considered engrossed and read a third time. Carried.

Mr Noteware moved to strike out the name "C. H. Brown, Central City," and insert "F. H. Page, Denver City." Lost.

The question recurring on the final passage of the bill, there were

Ayes—7. Nays—6.

Those voting in the affirmative were

Messrs Wilhite, Scudder, Chaffee, Noteware, Crocker, Barela and Mr Speaker.

Those voting in the negative were

Messrs Steele, Rankin, Whittemore, Witter, Garcia and Chilcott.

Mr Witter gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to incorporate the Denver, Golden City and Salt Lake road and telegraph company.

On motion of Mr Chilcott, the House adjourned.

House of Representatives,
Oct. 28, 1861.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr Witter.

Mr Crocker moved that the reading of the Journal be dispensed with and that it be referred to the committee on printing.

The ayes and nays being called for and ordered, there were

Ayes—9. Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Rankin, Chaffee, Noteware, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Scudder, Whittemore and Mr Speaker.

So the motion prevailed.

Mr Crocker, from the committee on Judiciary, presented the following report:

Mr Speaker:—

Your committee on Judiciary would report back House Bill No 112, and recommend that it be amended as follows:

Strike out section 1, being provided for in another act. In sec. 2, after the word "assembly," in the second line, insert "the Chief Clerk or the Secretary of the previous session, or in case of his absence."

Strike out section 5, as provided for in another act. Strike out sections 7, 8, 9, 10 and 11, as unnecessary. Strike out section 12, as provided for in another act; and with these amendments would recommend its passage.

Your committee also herewith report a substitute for H B No 94, and recommend its adoption.

Your committee also would report adversely to H B's No's 38, 52 and 115.

Your committee also report an act concerning dower, and recommend its passage.

Respectfully submitted.

GEORGE F. CROCKER, Ch'n.

Mr Wilhite gave notice that on to-morrow, or some subsequent day, he would introduced

A bill for An act to restrain intercourse with Indians.

Mr Noteware gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act to incorporate the Georgia Bar and Arkansas River fluming company.

Mr Chilcott gave notice that he would on to-morrow, or some subsequent day, introduce

A bill for An act to incorporate Park City, saline manufacturing company.

Also, a bill for An act to incorporate the Conon City bridge company.

Mr Whittemore gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act to incorporate the Union mining company.

Mr Scudder asked and obtained leave of absence for one hour.

H B No 155, a bill for An act concerning dower, was

Read first time by its title.

Mr Chaffee, previous notice having been given, introduced

H B No 156, a bill for An act to incorporate the Cash Creek and Lake Park ditch company, which was

Read first time, by its title.

Mr Witter, previous notice having been given, introduced

H B No 157, a bill for An act to incorporate the Denver, Golden City and Salt Lake road and Telegraph company, which

Was read first time by its title.

The following House bills were

Read second time, by their titles:

H B's No's. 155, 156 and 157.

Mr Crocker moved that H B No 157, be referred to the committee of the Whole. Lost.

Mr Witter moved that the bill be referred to Select committee.

Mr Noteware moved to amend so that the bill be referred to the committee on Incorporations.

The amendment prevailved and the motion as amended was adopted.

Mr Chilcott asked and obtained leave of absence for two hours.

Mr Chaffee moved that C B No 33, be referred to the committee on Incorporations. Carried.

Mr Crocker moved that C B No 35, be referred to the committee on Agriculture. Lost.

C B No 35, a bill for An act concerning marks and brands for animals, was

Read third time.

Mr Witter moved that the bill be indefinitely postponed. Carried.

H B No 103, a bill for An act regulating proceedings on writs of *habeas corpus*, was

Read third time by its title.

The question recurring on the final passage of the bill, there were Ayes 9, Nays 1.

Those voting in the affirmative were

Messrs Steele, Wilhite, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela and Garcia.

Mr Witter voted in the negative.

Mr Witter changed his vote.

Mr Rankin changed his vote.

Mr Speaker was excused from voting.

So the bill passed, and

Title agreed to.

Mr Crocker moved that H B No 133, be laid on the table for one week. Carried.

H B No 134, a bill for An act concerning bonds in certain cases, was

Read third time.

The question recurring on the final passage of the bill, there were Ayes—11. Nays—0.

Those voting in the affirmative were

Messrs Steele, Wilhite, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia and Mr Speaker.

So the bill passed, and the

Title was agreed to.

Joint Memorial No 5, a memorial to Congress relative to the salaries of Territorial officers, was

Read a third time by its title.

The question recurring on the final passage of the bill, there were Ayes 8. Nays 3.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Rankin, Chaffee, Noteware, Barela, Garcia and Mr Speaker.

Those voting in the negative, were

Messrs Whittemore, Witter and Crocker.

So the memorial passed, and

Title agreed to.

H B No 135, a bill for An act authorizing the United States Marshal to serve process in certain cases, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—11. Nays—0.

Those voting in the affirmative were,

Messrs Steele, Wilhite, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia and Mr Speaker.

So the bill passed and the

Title agreed to.

H B No 136, a bill for An act concerning county jails, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—6. Nays—5.

Those voting in the affirmative were

Messrs Steele, Wilhite, Rankin, Noteware, Whittemore and Barela.

Those voting in the negative, were

Messrs Chaffee, Witter, Crocker, Garcia and Mr Speaker.

So the bill passed, and the

Title was agreed to.

Mr Wilhite, from the committee on Enrollment, made the following report:

Mr Speaker:

The committee on Enrollment would respectfully report the following bills correctly enrolled:

J R No 5, relating to the executive department; H B No 96, An act to authorize the appointment of commissioners of deeds; H B 22, An act regulating the mode of proceedings in attachment in the District Courts.

E. S. WILHITE, Chairman.

Mr Witter moved that H B No 137, a bill for An act concerning mining and other claims, be referred to a select committee. Carried.

The chair announced as such committee

Messrs Witter, Rankin and Chaffee.

Mr Whittemore moved that H B No 138, a bill for An act to provide for elections within military posts, be laid on the table.

Mr Barela moved to amend so that the bill be indefinitely postponed. Lost.

The motion of Mr Whittemore prevailed.

Mr Rankin moved that H B No 139, a bill for An act to incorporate the Iowa ditch company, be referred to a select committee. Carried.

The chair announced as such committee

Messrs Rankin, Wilhite and Crocker.

Mr Whittemore, moved that H B No 148, a bill for An act to provide for the expenses of the Territorial Legislature, be referred to the committee of Ways and Means. Carried.

Mr Witter from the committee on Printing reported the daily Journal, with corrections.

Mr Chaffee moved that the report be adopted. Carried.

Mr Crocker moved that H B No. 141, be referred to a select committee. Carried.

The chair announced as such committee

Messrs Crocker, Wilhite and Steele.

Mr Whittemore moved that H B No 142, a bill for An act to incorporate the Colorado oil company, be referred to the committee on Education.

Mr Chaffee moved to amend so that the bill be referred to the committee of the Whole.

The ayes and nays being called for and ordered, there were

Ayes—7. Nays—4.

Those voting in the affirmative were

Messrs Steele, Scudder, Rankin, Chaffee, Crocker, Garcia and Mr Speaker.

Those voting in the negative were

Messrs Noteware, Whittemore, Witter and Barela.

So the amendment prevailed, and the motion as amended was adopted.

Mr Chaffee moved that H B No 13 and H B No 83, be laid on the table. Carried.

Mr Steele moved that H B No 54 and H B No 27 be referred to the committee of the Whole. Carried.

H B No 113, a bill for An act to provide for additional members of the Council and House of Representatives of Colorado Territory, and fixing the time of meeting of the Legislature,

Was taken up.

Mr Whittemore moved to amend section 1, by striking out "February," and inserting "November."

Mr Barela moved to amend the amendment, by inserting "October." Lost.

The question recurring on the motion of Mr Whittemore, and

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—6.

Those voting in the affirmative, were

Messrs Steele, Scudder, Whittemore and Witter.

Those voting in the negative were

Messrs Rankin, Chaffee, Noteware, Crocker, Barela and Garcia.

So the motion was lost.

Mr Noteware moved to strike out the words "first Monday in June," in section 1, and insert "second Monday in April," and

The ayes and nays being called for and ordered, there were

Ayes—9. Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Witter, Crocker and Barela.

Those voting in the negative were

Messrs Whittemore, Garcia and Mr Speaker.

So the motion prevailed.

Mr Witter moved to strike out the words "first Monday in February," in section 1, and insert "third Monday in October."

Mr Garcia moved to amend the amendment, by inserting "first Monday in October."

The ayes and nays being called for and ordered, there were

Ayes—3. Nays—9.

Those voting in the affirmative were

Messrs Witter, Barela and Garcia.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker and Mr Speaker.

So the amendment was lost.

The motion of Mr Witter was lost.

Mr Chaffee moved to strike out the words "seat of government," in section 1, and insert "Denver."

Mr Witter moved to amend by inserting "Hamilton."

Mr Crocker called for a division of the question.

The question being to strike out, and

The ayes and nays being called for and ordered, there were

Ayes—2. Nays—10.

Those voting in the affirmative were

Messrs Scudder and Chaffee.

Those voting in the negative were

Messrs Steele, Wilhite, Rankin, Noteware, Whittemore, Witter, Crocker, Barela, Garcia and Mr Speaker.

So the first division was lost, and the other divisions were accordingly not adopted.

Mr Whittemore moved to strike out all after section 1.

The ayes and nays being called for and ordered, there were

Ayes—3. Nays—9.

Those voting in the affirmative were

Messrs Whittemore, Witter and Mr Speaker.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Crocker, Barela and Garcia.

So the motion was lost.

Mr Witter moved to strike out all after the word "Representatives, in section 2. Carried.

The Assistant Secretary of the Council appeared and delivered the following messages;

COUNCIL CHAMBER,
October. 26, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has appointed Messrs Graham, Steck and Francisco a committee of conference on the part of the Council, on H B No. 66, "An act creating a lien in favor of ranchmen and others."

Also, that the Council insists on its amendments to H B No 50, "An act to prevent and punish resistance to officers."

Also, that the Council has passed J M No 4, Joint Memorial relative to mail route along the South Platte River."

Also. Council concurred in House amendment to section 21, C B No. 25.

Also, that the Council has passed H B No 116, An act to provide for the appointment of three Commissioners in each county in this Territory," amended by adding a concluding clause, and respectfully ask your concurrence therein.

S. L. BAKER, Sec'y of the Council.

COUNCIL CHAMBER,
October 25, 1861.

Mr Speaker:—

I am instructed to inform the House that the Council has passed H B No 75, An act concerning judgments and executions, with the following amendments, viz:

Section 1. Fill blank in 4th line from bottom with the word "seven."

Sec. 4. Fill blank next to last line with the word "ten."

Sec. 33. Strike out the words "and distress for rent."

Sec. 34. Insert the word "or," in 4th line, and strike out the words "or distress for rent," in same line.

Also, add as follows, after the word Territory, in 7th line:

1. Family pictures, school books and library.
2. A seat or pew in any house or place of public worship.
3. The rights of burial of the dead.
4. All wearing apparel of the debtor and his family, all beds, bedsteads and bedding kept and used for the debtor and his family; all stoves and appendages kept for the use of the debtor and his family; all cooking utensils, and all other household furniture not herein enumerated, not exceeding three hundred dollars in value.
5. The provisions for the debtor and his family, necessary for six months, either provided or growing, or both, and fuel necessary for six months.
6. The tools and implements, or stock in trade of any mechanic, miner or other person, used and kept for the purpose of carrying on his trade or business not exceeding two hundred dollars in value.
7. The library and implements of any professional man, not exceeding three hundred dollars.
8. Working animals, to the value of two hundred dollars.

9. One cow and calf, ten sheep and the necessary food for all the animals herein mentioned, for six months, provided or growing, or both; also, one farm wagon, cart or dray, one plough, one harrow and other farming implements, including harness and tackle for team, not exceeding fifty dollars in value: *Provided*, That nothing in this act shall be so construed as to exempt any property of any debtor from sale for the payment of any taxes whatever, legally assessed. *And provided further*, That no article of property above mentioned shall be exempt from attachment or sale on execution for the purchase money for said article of property. *And provided also, further*, That all property and rights mentioned in the several subdivisions of this section, numbered one, two, three, four, six, seven and eight, owned by any person not being the head of a family, shall be exempt from levy and sale on any execution or writ of attachment.

Also, amending section 36 by striking out, in 2d line, the words "or by any right of distress."

And respectfully ask your concurrence therein.

S. L. BAKER,
Secretary of Council.

Mr Noteware moved to reconsider the vote by which the motion to strike out all after section 1 was lost.

The ayes and nays being called for and ordered, there were

Ayes—9. Nays—3.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Witter, Barela, Garcia and Mr Speaker.

Those voting in the negative were

Messrs Rankin, Chaffee and Crocker.

So the motion prevailed.

The question being on the motion to strike out all after section 1, and the

Ayes and nays being called for and ordered, there were

Ayes—9. Nays—3.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Witter, Barela, Garcia and Mr Speaker.

Those voting in the negative, were

Messrs Rankin, Chaffee and Crocker.

So the motion prevailed.

Mr Rankin moved that the bill be considered engrossed and read a third time. Carried.

The question recurring on the final passage of the bill, there were

Ayes—9. Nays—3.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Rankin, Noteware, Whittemore, Witter, Barela and Garcia.

Those voting in the negative were

Messrs Chaffee, Crocker and Mr Speaker.

So the bill passed.

Mr Witter moved to amend the title, by striking out all after the word "act" to the word "fixing."

The amendment prevailed, and the title, as amended, was agreed to.

On motion of Mr Wilhite,

Thd House adjourned to 2 P. M.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

Speaker in the chair.

Mr Wilhite, from committee on enrollment, reported H B No 69 a bill for An act concerning constables, as correctly enrolled.

Mr Crocker gave notice that on to-morrow, or some subsequen day, he would introduce a bill for An act to incorporate the Eldo rado ditch company.

On motion of Mr Wilhite, the House resolved itself into com mittee of the Whole on the general file.

Mr Wilhite in the chair.

After some time spent therein, the committee rose, and througl their chairman reported as follows:

That they had under consideration C B No 2, a bill for An ac to incorporate the Rocky Mountain and Pittsburg mining company and recommend its passage.

Also, H B No 89, a bill for An act to incorporate Canon City.

Which was amended by striking out section 26, and recom mended its passage.

Also, H B No 90, a bill for An act to incorporate the city o Pueblo, and recommended its passage.

Also, H B No 91, a bill for An act to incorporate the Altona tow company, and recommended its passage.

Also, H B No 92, a bill for An act to incorporate the Bear Cano road company,

With amendmendments to sections 3 and 5, striking out the word "Central City," and inserting "Missouri City," and the addition o the words "save hogs and sheep," after the words "five cents," i section 5; and the following additional section:

"That neither of the above mentioned toll gates shall be locate anywhere on said road between Quartz Valley and Missour City."

And recommend its passage.

Also, H B No. 93, a bill for An act to incorporate the St Vrai Boulder Mines, Altona, Gregory and Middle Park road company

With an amendment to section 5, to strike out all of section after the words "Gregory Mines," ond insert the words "terminat ing at Mountain City."

And recommend its passage.

Also, H B No [illegible], a bill for An act granting exclusive right to Joseph M. Jacques and Joseph V. Garcia to maintain a ferry across the Rio Grande at Paso del Puerto,

And recommend its passage.

Mr Noteware moved that the rules be suspended, and that the bills be considered engrossed and read a third time.

The ayes and nays being called for and ordered, there were,

Ayes—7. Nays—6.

Those voting in the affirmative, were

Messrs Wilhite, Noteware, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative, were

Messrs Steele, Scudder, Rankin, Chaffee, Whittemore and Witter.

So the motion did not prevail, two-thirds not voting in the affirmative.

Mr Rankin, previous notice having been given, introduced

H B No 158, a bill for An act concerning licenses.

Mr Noteware, previous notice having been given, introduced

H B No. 159, a bill for An act to incorporate the Denver City and Georgetown road company.

Mr Rankin introduced the following resolution:

Resolved, That all bills of a general character be set at the head of the calendar hereafter. Adopted

Mr Crocker moved that the report of the committee on Judiciary on H B No 98, be adopted. Carried.

Mr Wilhite gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to provide for the removal of improvements, in certain cases.

Mr Chilcott gave notice that on to-morrow or some subsequent day, he would introduce—

A bill for An act authorizing certain persons to keep a ferry across the Rio Grande del Norte.

Also, of a bill for An act to establish and keep a ferry across the Rio Grande del Norte at La Loma del Norte.

Mr Witter moved to adjourn.

The ayes and nays being called for and ordered, there were

Ayes—9. Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Witter, Barela and Garcia.

Those voting in the negative were

Messrs Rankin, Crocker and Mr Speaker.

So the House adjourned to 9 A. M. to-morrow.

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HOUSE OF REPRESENTATIVES,
October 29, 1861.

House met pursuant to adjournment.
Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—Mr Rankin.
A quorum being present
The Journal of Monday's proceedings was read and approved.

Mr Crocker from the committee on Judiciary, presented the following report:

Mr Speaker:

Your committee on Judiciary would report the following bills and recommend their passage.

An act to regulate proceedings on writs of quo warranto.
An act to regulate proceedings on writs of mandamus.
An act concerning guardian and ward.

GEO. F. CROCKER, Chairman.

Mr Chilcott, from committee on Engrossment, presented the following report:

Mr Speaker:

Your committee on Engrossment beg leave to report H B No 113, as correctly engrossed.

G. M. CHILCOTT, Ch'n.

Mr Chilcott, from select committee, made the following report:

Mr. Speaker:

Your committee, to whom was referred H B No 121, have had the same under consideration, and beg leave to report the same back, and recommend that it be laid on the table.

G. M. CHILCOTT.
D. WITTER.
EDWIN SCUDDER,

Report was received and adopted.

Mr Crocker moved to concur in the amendment to H B No 116, a bill for An act to provide for the appointment of three commissioners in this Territory. Carried.

Mr Crocker moved to recede from refusing to concur in the amendment to H B No 50, a bill for An act to prevent and punish resistance to officers.

The ayes and nays being called for and ordered, there were
Ayes—6, nays—7.
Those voting in the affirmative were
Messrs Scudder, Noteware, Crocker, Barela, Garcia and Mr Speaker.

Those voting in the negative were

Messrs Steele, Wilhite, Rankin, Chaffee, Whittemore, Witter, and Chilcott.

So the motion was lost.

Mr Chaffee moved to insist on refusing to concur, and ask a committee of conference. Carried.

The chair announced as such committee,

Messrs Chaffee, Crocker and Scudder.

Mr Chaffee moved that the House concur in the amendments to H B No 75, a bill for An act concerning judgments and executions. Carried.

Mr Crocker gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act to incorporate the Canon City, Grand River and San Juan road company.

Mr Chilcott, previous notice having been given, introduced

H B No 163, a bill for An act to authorize Lafayette Head, John M. Francisco, and their associates, to establish a ferry across the Rio Grand del Norte, at La Loma del Norte.

Also, H B No 164, a bill for An act to authorize Lafayette Head and John M. Francisco, and their associates, to establish and keep a ferry across the Rio Grande del Norte.

Also, H B No 165, a bill for An act to incorporate the Park City saline manufacturing company.

Also. H B No 166, a bill for An act to incorporate the Canon City bridge company.

Mr Crocker, previous notice having been given, introduced

H B No 167, a bill for An act to incorporate the Eldorado ditch company.

Mr Chaffee, previous notice having been given, introduced

H B No 168, a bill for An act to incorporate the Bald Mountain ditch company.

Mr Wilhite, previous notice having been given, introduced

H B No 169, a bill for An act to provide for the removal of improvements in certain cases.

Also, H B No 170, a bill for An act to restrain intercourse with Indians.

Mr Noteware, previous notice having been given, introduced

H B No 171, a bill for An act to incorporate the Arkansas river fluming company.

Mr Chilcott was callad to the chair.

Mr Holly, previous notice having been given, introduced

H B No 172, a bill for An act to incorporate the Gold Run tunnel company.

Also, H B No 173, a bill for An act to incorporate the Pioneer tunnel company No. 1 at Gold Hill.

Mr Speaker resumed the chair

The following House bills were

Read first and second time by their titles.

H B No 158, a bill for An act concerning licenses.

H B No 159, a bill for An act to incorporate the Denver City and Georgetown road company.

H B No 160, a bill for An act concerning guardian and ward.

H B No 161, a bill for an act to regulate proceedings on writs of *mandamus.*

H B No 162, a bill for An act concerning proceedings in cases of *quo warranto.*

H B No's 163, 164, 165, 166, 167, 168, 169, 170, 171, 172 and 173.

Mr Rankin called for the reading of H B No 171, at length, and the bill was accordingly read.

Mr Crocker moved that the bill be referred to a select committee of three. Carried.

The chair announced as such committee,

Messrs Crocker, Rankin and Chaffee.

Mr Chilcott moved to refer H B No's 163, 164, 165 and 166, to committee on Incorporations.

Mr Chaffee moved to amend, so that the bills be referred to the committee of the Whole.

Mr Witter moved to lay the motion on the table.

The ayes and nays being called for and ordered, there were

Ayes—6. Nays—6.

Those voting in the affirmative were,

Messrs Wilhite, Rankin, Noteware, Witter, Barela and Garcia.

Those voting in the negative were

Messrs Steele, Scudder, Chaffee, Crocker, Chilcott and Mr Speaker.

So the motion was lost.

The question recurring on the amendment of Mr Chaffee, and

The ayes and nays being called for and ordered, there were

Ayes—7. Nays—5.

Those voting in the affirmative were

Messrs Steele, Scudder, Chaffee, Noteware, Crocker, Barela and Garcia.

Those voting in the negative were

Messrs Wilhite, Rankin, Witter, Chilcott and Mr Speaker.

So the amendment prevailed, and the motion as amended was adopted, and the bills were referred accordingly.

Mr Chaffee moved that the other bills, just read a first and second time, be referred to the committee of the Whole.

Mr Witter moved to lay the motion on the table. Lost.

The question being on the motion of Mr Chaffee, and

Ayes and nays being called for and ordered, there were,

Ayes—9. Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Crocker, Barela, Garcia and Mr Speaker.

Those voting in the negative were

Messrs Rankin, Witter and Chilcott.

Mr Rankin moved that the report of the committee of the Whole, made yesterday, be adopted. Carried.

C B No 2, a bill for An act to incorporate the Rocky Mountain and Pittsburg gold mining company, was

Read a third time.

The question recurring on the final passage of the bill, there were Ayes 7. Nays 6.

Those voting in the affirmative were

Messrs Steele, Wilhite, Noteware, Crocker, Barela, Chilcott and Mr Speaker.

Those voting in the negative, were

Messrs Scudder, Rankin, Chaffee, Whittemore, Witter and Garcia.

So the bill passed, and

Title agreed to.

H B No. 89, a bill for An act to incorporate Canon City, was

Read third time.

The question recurring on the final passage of the bill, there were Ayes—13. Nays—0.

Those voting in the affirmative were,

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed and the

Title was agreed to.

H B No 90, a bill for An act to incorporate the city of Pueblo, was

Read third time.

The question recurring on the final passage of the bill, there were Ayes—12. Nays—1.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Mr Rankin voted in the negative.

So the bill passed, and the

Title was agreed to.

H B No 91, a bill for An act to incorporate the Altona town company, was

Read third time.

The question recurring on the final passage of the bill, there were Ayes—7. Nays—6.

Those voting in the affirmative were

Messrs Steele, Wilhite, Noteware, Whittemore, Garcia, Chilcott, and Mr Speaker.

Those voting in the negative, were

Messrs Scudder, Rankin, Chaffee, Witter, Crocker and Barela.

So the bill passed, and the

Title was agreed to.

Mr Rankin moved that H B No 92 be ordered engrossed. Lost.

H B No. 92, a bill for An act to incorporate the Bear Canon road company, was

Read third time.

Mr Witter moved to strike out the first section, and insert in lieu thereof a new section, containing the same matter with the words "ten years stricken out and the words "five years" inserted.

The ayes and nays being called for and ordered, there were
Ayes—4. Nays—9.
Those voting in the affirmative were
Messrs Rankin, Witter, Barela and Garcia.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Crocker, Chilcott and Mr Speaker.
So the amendment was lost.

The question recurring on the final passage of the bill, there were
Ayes—12. Nays—1.
Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Garcia, Chilcott and Mr Speaker.
Mr Barela voted in the negative.
So the bill passed, and
Title was agreed to.
H B No 93, a bill for An act to incorporate the St. Vrain, Boulder Mines, Altona, Gregory and Middle Park road company, was
Read third time.

The question recurring on the final passage of the bill, there were,
Ayes—8. Nays—5.
Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Garcia, Chilcott and Mr Speaker.
Those voting in the negative were
Messrs Rankin, Chaffee, Witter, Crocker and Barela.
So the bill passed.
The title was amended by striking out the words "Middle Park," and agreed to.

H B No. 99, a bill for An act granting to Joseph M. Jacques and Joseph V. Garcia the exclusive right to maintain a ferry across the Rio Grande at Paso del Puerto, was
Read a third time.

The question recurring on the final passage of the bill, there were,
Ayes 12. Nays 1.
Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Garcia, Chilcott and Mr Speaker.
Mr Barela voted in the negative.

So the bill passed.
Title agreed to.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, COLORADO TER.
Denver, October 29, 1861.

To the Speaker of the House of Representatives:—

SIR: I have approved and signed acts, entitled:
An act to authorize the appointment of commissioners of deeds.

An act regulating the mode of proceedings in attachment in the District Courts.

Joint Resolutions.

Very respectfully,
WILLIAM GILPIN,
Governor of Colorado Territory.

Mr Rankin moved that H B No 38, be indefinitely postponed. Lost.

H B No 38, a bill for An act to facilitate the settlement of the estates of deceased partners,

Was taken up and read by sections.

Mr Rankin moved to adopt the report of the committee on Judiciary, recommending the indefinite postponement of the bill.

The ayes and nays being called for and ordered, there were

Ayes 7. Nays 6.

Those voting in the affirmative were

Messrs Scudder, Rankin, Chaffee, Noteware, Whittemore, Barela and Garcia.

Those voting in the negative, were

Messrs Steele, Wilhite, Witter, Crocker, Chilcott and Mr Speaker.

So the motion prevailed.

Mr Crocker moved that the report of the committee on Judiciary on H B No 52, a bill for An act containing several provisions regarding landlords, tenants, lessors and lessees, recommending its indefinite postponement, be adopted. Lost.

The bill was read a third time.

The question recurring on the final passage of the bill, there were

Ayes—4. Nays—9.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Noteware and Mr Speaker.

Those voting in the negative were

Messrs Scudder, Rankin, Chaffee, Whittemore, Witter, Crocker, Barela, Garcia and Chilcott.

So the bill did not pass.

Mr Wilhite moved that the report of the committee on Judiciary on H B No 115, a bill for An act granting to township and mining districts, certain rights and privileges, recommending its indefinite postponement, be adopted. Carried.

Mr Witter moved that the report of the committee on Judiciary on H B No 112, a bill for An act relating to the general assembly, recommending its passage with certain amendments, be adopted. Carried.

Mr Rankin moved that the bill be engrossed for a third reading Carried.

Mr Rankin moved that H B No 155, a bill for An act concerning dower be considered read a third time.

The ayes and nays being called for and ordered, there were

Ayes—8. Nays—5.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Noteware, Crocker, Barela and Garcia.

Those voting in the negative were

Messrs Chaffee, Whittemore, Witter, Chilcott and Mr Speaker.

So the motion prevailed.

The question recurring on the final passage of the bill, there were

Ayes—11. Nays—2.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative, were

Messrs Whittemore and Witter.

So the bill passed, and the

Title was agreed to.

Substitute for H B No 94, a bill for An act concerning the construction of Statutes, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—12. Nays—0.

Those voting in the affirmative, were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed and

Title was agreed to.

Mr Rankin moved that H B No 137, be engrossed for a third reading. Carried.

Mr Garcia asked and obtained leave of absence for the remainder of the day.

Mr Witter gave notice that on to-morrow, or some subsequent day, he would introduce a bill for an act to prevent ranchmen and stable keepers from using stock left with them without the consent of the owners.

On motion of Mr Chaffee, the House adjourned to 2 P. M.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

Speaker in the chair.

H B No 156, a bill for An act to incorporate the Cash creek and and Lake Park ditch company, was taken up.

Mr Noteware moved a call of the House.

A call of the House being ordered, and Messrs Wilhite, Rankin and Chaffee found absent, the Sergeant-at-arms was dispatched for the absentees.

Mr Crocker moved that further proceedings under the call be dispensed with. Lost.

After some time spent under the call, the Sergeant-at-arms appeared and reported Messrs Wilhite, Chaffee and Rankin in their seats.

Mr Witter moved that further proceedings under the call be dispensed with. Carried.

Mr Crocker moved that H B No 156 be referred to a select committee. Carried.

The chair announced as such committee, Messrs Crocker, Chaffee and Witter.

On motion of Mr Witter, the House resolved itself into committee of the Whole on the general file.

Mr Witter in the chair.

After some time spent therein, the committee rose, and through their chairman, Mr Witter, reported as follows:

The committee of the Whole have had under consideration

H B No 146, a bill for An act concerning arbitration and award, Which they amended by striking out section 9, and recommended its passage.

Also—H B No 147, a bill for An act relating to the commitment of prisoners, which was amended by striking out section 2, and recommended its passage.

Also—H B 148, a bill for An act concerning a line fence, and recommended its passage.

Also—H B 149, a bill for An act suplementary to an act entitled "an act concerning judgments and executions," which was amended by striking out section 2, and recommended its passage.

Also—H B No 150, a bill for An act to establish the University of Colorado, which was amended by striking out the words "city of Denver" in sections 1 and 12 in article 2, and striking out the names of the Directors in section 2 of article 2, and recommended its passage.

DAN'L WITTER, Chairman.

Mr Witter was called to the chair

Mr Holly gave notice that on to-morrow or some subsequent day he would introduce a bill for an act relating to the construction of private charters.

Mr Holly moved to reconsider the vote by which C B No 2 was passed.

The ayes and nays being called for and ordered, there were

Ayes—8. Nays—4.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Holly, Barela, Chilcott and Mr Speaker *pro tem.*

Those voting in the negative were

Messrs Rankin, Noteware, Whittemore and Crocker.

So the motion prevailed.

Mr Chaffee moved to adjourn to 7 p. m.

Mr Barela moved to amend by adjourning to 9 A. M., to-morrow

The ayes and nays being called for and ordered, there were

Ayes—4. Nays—7.

Those voting in the affirmative were

Messrs Steele, Wilhite, Barela and Chilcott.

Those voting in the negative were

Messrs Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker and Mr Speaker.

So the motion was lost.

The motion of Mr Chaffee prevailed, and the

House adjourned to 7 P. M.

EVENING SESSION.

7 O'CLOCK P. M.

Mr Wilhite moved to take from the table, H B No 138, a bill for An act to provide for elections within the limits of military posts.

Ayes and nays being called for and ordered, there were

Ayes 8. Nays 3.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Crocker, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Whittemore, Barela and Garcia.

So the motion prevailed, and the bill was taken up and read by sections.

Mr Noteware moved that the bill be considered read a third time. Carried.

The question recurring on the final passage of the bill, there were

Ayes—11. Nays—2.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Barela and Garcia.

So the bill passed, and

Title was agreed to.

Mr Wilhite moved that the report of the committee of the Whole, made this afternoon, be adopted. Carried.

Mr Wilhite moved that the vote by which H B No 113 was passed, be reconsidered. Carried.

Mr Noteware gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act to incorporate the Golden City and Denver City ditch company.

Mr Crocker offered the following resolution:

Resolved, That no bills of a private character shall be introduced in this House at this session of the Legislature, after November 2d, 1861. This resolution shall not apply to Council bills.

The resolution was adopted.

Mr Witter, from committee of Conference, made the following report:

The committee of Conference, to whom was referred H B No 66, An act to create a lien in favor of ranchmen, agree that the House shall agree to the Council amendment, amended to read as follows: "The provisions of this act shall not extend to stolen stock," which shall be added as a proviso to section 1.

D. WITTER, Ch'n.
DAN'L STEELE.

Mr Crocker moved that the report be adopted. Carried.

Mr Wilhite, from committee on Enrollment, presented the following report:

Mr Speaker:—

The committee on Enrollment would report,

H B No 71, An act to establish the office of county attorney, &c.

H B No 65, An act to provide for contested elections

H B No 86, An act to provide for the expenses of Colorado Territory.

H B No 12, An act concerning evidence and depositions, as correctly Engrossed. E. S. WILHITE, Ch'n.

Mr Witter, previous notice having been given, introduced

H B No 174, a bill for An act to incorporate the Platte City ditch company.

Mr Chilcott, from committee on engrossment, made the following report:

Mr. Speaker :

Your committee on engrossed bills beg leave to report H B No 112 and H B No 137, as correctly engrossed.

G. M. CHILCOTT, Chairman.

Mr Rankin asked and obtained leave of absence for the evening.

On motion of Mr Crocker,

The House resolved itself into committee of the Whole upon the general file.

Mr Crocker in the chair.

After some time spent therein, the committee rose, and through their chairman, Mr Crocker, reported as follows:

The committee of the Whole have had under consideration

H B No 151, a bill for An act to provide for taking the census of Colorado Territory, which was amended by filling the blanks in section 1, with "15th of May" and "15th of June."

And in section 3, by striking out "first" and inserting "fifteenth," and filling the blank with "May "

And in section 5, by filling the blank with "four."

And in section 10, by inserting, after the word "Territory," the words "on or before the 25th day of June, 1862."

And recommend its passage.

Also, H B No 158, a bill for An act concerning licenses, which was amended by inserting after the word "manufactured," in section 7, the words "or raised," and recommend its passage.

Also, H B No 160, a bill for An act concerning guardian and ward, and recommend its passage.

GEORGE F. CROCKER, Ch'n.

Mr Crocker moved that the report be adopted.

Mr Wilhite gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act to incorporate the Denver City Insurance company, of Denver City.

Mr Rankin, previous notice having been given, introduced

H B No 174, a bill for An act to incorporate the Kansas, Canon City and Colorado stage and express company.

Mr Wilhite moved to adjourn to 10 A. M. to-morrow.

The ayes and nays being called for and ordered, there were

Ayes—7. Nays—6.

Those voting in the affirmative were

Messrs Steele, Wilhite, Witter, Crocker, Barcla, Garcia and Chilcott.

Those voting in the negative were

Messrs Scudder, Rankin, Chaffee, Noteware, Whittemore and Mr Speaker.

So the House adjourned to 10 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
Oct. 30, 1861.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr Wilhite.

The reading of the Journal was dispensed with, for the present.

Mr Chaffee moved that H B No. 121, a bill for An act concerning the District and Supreme Courts, be taken from the table and placed among the general orders. Carried.

Mr Chilcott gave notice that on to-morrow or some subsequent day he would introduce a bill for An act locating territorial roads.

Mr Witter gave notice that on to-morrow or some subsequent day, he would introduce

A bill for An act to locate the penitentiary of the Territory.

Mr Wilhite, from committee on Enrollment, presented the following report:

Mr Speaker:

Your committee on Enrollment have examined and found correctly enrolled, the following bills:

Joint memorial No 4, relative to a mail along the South Platte River.

And H B No. 116, a bill for An act to provide for the appointment of three commissioners in each county in this Territory.

E. S. WILHITE, Chairman.

Mr Witter previous notice having been given, introduced

H B No 176, a bill for An act to prevent ranchmen and stable keepers from using stock left with them, without the consent of the owners, which was read a first time by its title.

Mr Crocker, previous notice having been given, introduced

H B No 17, a bill for An act to incorporate the Canon City, Grand River and San Juan road company, which was

Read a first time by its title.

H B No 174, a bill for An act to incorporate the Platte City ditch company, was

Read first time, by its title.

Also, H B No. 175, a bill for An act to incorporate the Kansas, Canon City and Colorado stage and express company.

The daily Journal was taken up for reading.

The Assistant Secretary of the Council appeared and delivered the following messages:

COUNCIL CHAMBER,
October. 30, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed

C B No 38, an act entitled An act to incorporate the Colorado and New Mexico joint stock, gold, silver and copper mining company, and respectfully ask your concurrence therein.

S. L. BAKER, Sec'y of the Council.

COUNCIL CHAMBER,
October 28, 1861.

Mr Speaker:—

I am instructed by the Council to inform the House that the Council has concurred in House amendment to art. 1 sec. 7, of H B No 87, An act to organize and establish the Treasury Department.

Also, amended House amendment to sec. 2, art. 6, by striking out the words "three hundred," and inserting the words "fifteen hundred," in their place. Also, that the Council has passed C B No 23 An act to provide for limitations of actions, and respectfully ask your concurrence therein.

S. L. BAKER, Sec'y of Council.

COUNCIL CHAMBER,
October 28, 1861.

Mr Speaker:—

I am instructed by the Council to inform the House that the Council has passed

H B No 108, An act regulating elections,

Amended as follows:

1. By adding to section 1, "*Provided*, That no officer or soldier, or other person in the regular army of the United States, or attached to regular troops in the service of the United States, shall be allowed to vote in this Territory. *And provided further*, that no volunteer officers or soldiers of this Territory in active camp or service (except volunteer officers and soldiers in service as Home Guards, and officers of the Governor's staff,) shall vote at any election in this Territory, except for Territorial officers."

Sec. 1, 6th line, strike out the word "they," and insert the word "he;" in last line insert "the."

Sec 2, 6th line, insert "who."

Sec 3, 8th and 9th lines, strike out the words "Territorial Superintendent of Common Schools."

Sec 4, 5th line, strike out the same words as in section 3; 20th line, insert October and November, for "November and January."

Sec 10, 2d line, insert July for "September."

3d line, strike out Territorial Superintendent."

Sec 11, 2d line, strike out same words as in Sec 10, 3d line.

Sec 12, 2d line, insert "July" for "September."

Sec 16, 6th line, insert "board" for "court."

Sec 18, strike out all after the word "filled," in 4th line, to the word "by," in 14th line.

Sec 25, 2d line, insert "act" for "chapter."

Sec 26, 11th line, insert "three" for "six."

Sec 30, strike out "Superintendent of Common Schools, Auditor and Treasurer."

Sec 33, duplicate No of section; strike out 1st section No. 33.

Sec 34, 3d line, insert "the same, or by some safe conveyance."

Sec 43, 3d line, insert "April" for "July."

Sec 47, recommend not to adopt the additions made by the House.

And respectfully ask your concurrence therein.

S. L. BAKER,
Secretary of Council.

The daily Journal was read and approved.

Mr Chilcott was called to the chair.

Mr Holly previous notice having been given, introduced

H B No 178, a bill for An act relating to the construction of private charters, which was

Read first time by its title.

The following House bills were

Read second time, by their titles:

H B's No's. 174, 175, 176, 177 and 178.

H B No 146, a bill for An act concerning arbitration and award, was

Read third time.

The question recurring on the final passage of the bill, there were,

Ayes—8. Nays—4.

Those voting in the affirmative, were

Messrs Steele, Scudder, Rankin, Noteware, Whittemore, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Chaffee, Witter, Crocker, and Barela.

So the bill passed.

Title agreed to.

H B No 147, a bill for An act relating to the commitment of prisoners," was

Read third time.

The question recurring on the final passage of the bill, there were,

Ayes—12. Nays—0.

Those voting in the affirmative, were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed, and
Title agreed to.
H B No 148, a bill for An act concerning a line fence, was
Read third time.
The question recurring on the final passage of the bill, there were
Ayes—11. Nays—1.
Those voting in the affirmative, were
Messrs Steele, Scudder, Rankin, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
Mr Chaffee voted in the negative,
So the bill passed, and the
Title agreed to.

H B No 149, a bill for An supplementary to An act entitled An act concerning judgments and executions, was
Read third time.
The question recurring on the final passage of the bill, there were
Ayes—11. nays—1.
Those voting in the affirmative were
Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Chilcott, Garcia, Barela and Mr Speaker.
Mr Witter voted in the negative.
So the bill passed.
Title agreed to.
H B No 150, a bill for An act to establish the University of Colorado, and
H B No 151, a bill for An act to provide for taking the census of Colorado Territory, were laid on the table.
Mr Chaffee moved to lay H B No 158, on the table.

The ayes and nays being called for and ordered, there were
Ayes—4. Nays—8.
Those voting in the affirmative were
Messrs Scudder, Chaffee, Barela and Garcia.
Those voting in the negative were
Messrs Rankin, Noteware, Whittemore, Witter, Crocker, Steele, Chilcott and Mr Speaker.
So the motion was lost.

H B No 158, concerning licenses, was taken up.
Mr Chaffee moved to strike out all after the enacting clause to section 8.

The ayes and nays being called for and ordered, there were
Ayes—8. Nays—5.
Those voting in the affirmative, were
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Barela, Chilcott and Mr Speaker.
Those voting in the negative were
Messrs Noteware, Whittemore, Witter, Crocker and Garcia.
So the motion prevailed.

Mr Witter moved to strike out the words "five hundred," in sec. 3, and insert "one thousand."

The ayes and nays being called for and ordered, there were
Ayes—5. Nays—6.

Those voting in the affirmative were
Messrs Noteware, Whittemore, Witter, Garcia and Mr Speaker.
Those voting in the negative were
Messrs Steele, Scudder, Chaffee, Crocker, Barela and Chilcott.
So the motion was lost.
Mr Noteware offered the following as an additional section:
"That one third of the moneys arising from licensing of saloons be appropriated for the use and benefit of common schools."
Mr Witter moved to amend the amendment by striking out the words "one third" and substituting "the whole." Lost.
The amendment of Mr Noteware was not adopted.
Mr Barela moved to amend the bill that one fourth of all fines be set apart for the use of common schools.

Ayes and nays being called for and ordered, there were
Ayes—6. Nays—6.
Those voting in the affirmative, were
Messrs Steele, Noteware, Whittemore, Barela, Chilcott and M Speaker.
Those voting in the negative were
Messrs Scudder, Rankin, Chaffee, Witter, Crocker, and Garcia.
So the motion was lost.
The bill was read a third time.

The question recurring on the final passage of the bill there were
Ayes—7. Nays—5.
Those voting in the affirmative were
Messrs Scudder, Rankin, Chaffee, Crocker, Barela, Garcia and Mr Speaker.
Those voting in the negative, were
Messrs Steele, Noteware, Whittemore, Witter, and Chilcott.
So the bill passed.
Title agreed to.

H B No. 160, concerning guardian and ward, was
Read third time.

The question recurring on the final passage of the bill, there were
Ayes—10. Nays—1.
Those voting in the affirmative, were
Messrs Steele, Scudder, Rankin, Chaffee, Whittemore, Witter, Crocker, Garcia, Chilcott and Mr Speaker.
Mr Noteware voted in the negative.
So the bill passed, and the
Title was agreed to.

On motion of Mr Witter,
The House adjourned to 2 P. M.

AFTERNOON SESSION.

2 O'CLOCK P. M.

Speaker in the chair.

Mr Chilcott gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act to incorporate the Arkansas Valley insurance company.

Mr Barela moved a call of the House.

A call of the House being ordered, and Messrs Steele, Rankin, Noteware, Witter and Garcia found absent, the Sergeant-at-arms was dispatched for the absentees.

After some time, Messrs Steele, Rankin, Witter and Garcia appeared and took their seats.

Mr Wilhite moved that further proceedings under the call be dispensed with. Carried.

Mr Crocker moved that C B No 38, a bill for An act to incorporate the Colorado and New Mexico joint stock, gold, silver and copper mining company, be read a first and second time, and referred to a select committee.

Mr Noteware moved to amend so that the bill be referred to the committee of the Whole.

The first division of the motion prevailed and the bill was read accordingly a first and second time.

The question being on the amendment of Mr Noteware, and

The ayes and nays being called for and ordered, there were

Ayes—7. Nays—6.

Those voting in the affirmative were

Messrs Wilhite, Rankin, Noteware, Whittemore, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Steele, Scudder, Chaffee, Witter, Crocker and Mr Speaker.

So the amendment prevailed and the motion as amended was adopted.

The Assistant Secretary of the Council appeared and delivered the following message:

Message from the Council:

COUNCIL CHAMBER,
October 30, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed

"C B No 36, a bill for the protection of trout fish."

C B No 37, An act to prevent non-residents from importing into the Territory of Colorado, stock for grazing purposes."

C B No 39, An act to incorporate St. John's Church in the Wilderness.

C B No 42, An act to incorporate the Colorado and Pacific wagon, telegraph and railroad company.

Also, the Council has appointed Messrs Steck, Robbins and Parker, a committee of conference on the part of Council on H B No 50, An act to prevent and punish resistance to officers.

And respectfully ask your concurrence therein.

S. L. BAKER,
Secretary of the Council.

Mr Crocker moved that C B No 23, a bill for An act to provide for limitation of actions, be read a first and second time. Carried.

Mr Crocker moved that the bill be ordered to a third reading.

Mr Rankin called for the reading of the bill at length, and the bill was accordingly read.

The motion of Mr Crocker prevailed.

Mr Rankin moved that C B No 42, a bill for An act to incorporate the Pacific and Colorado wagon road and telegraph company, be read a first and second time, and referred to the committee on Incorporations.

Mr Chaffee called for a division of the question.

The first division prevailed, and the bill was read accordingly.

The bill was referred to the committee on Incorporations.

Mr Witter gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act to make gold dust receivable for taxes.

Mr Crocker moved that H B No 121, be taken up.

The ayes and nays being called for and ordered, there were

Ayes—9. Nays—4.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Whittemore Crocker, Barela and Garcia.

Those voting in the negative were

Messrs Noteware, Witter, Chilcott and Mr Speaker.

So the motion prevailed.

H B No 121, a bill for An act in relation to the Supreme and District Courts, was taken up and read by sections.

Mr Chaffee moved that the bill be considered engrossed and ordered to a third reading.

Mr Witter moved to lay the motion on the table.

The ayes and nays being called for and ordered, there were

Ayes—7. Nays—6.

Those voting in the affirmative were

Messrs Steele, Wilhite, Noteware, Witter, Barela, Chilcott and Mr Speaker.

Those voting in the negative, were

Messrs Scudder, Rankin, Chaffee, Whittemore, Crocker and Garcia.

So the motion prevailed.

Mr Chaffee moved that the House do not concur in the amendment of the Council to the House amendment to section 2 of arti-

cle 6, of H B No 87, a bill for An act to organize the Treasury Department.

The ayes and nays being called for and ordered, there were

Ayes—10. Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Barela and Mr Speaker.

Those voting in the negative were

Messrs Crocker, Garcia and Chilcott.

So the motion prevailed.

Mr Chaffee moved the appointment of a committee of conference. Lost.

Mr Rankin moved a call of the House.

A call of the House being ordered, and Messrs Wilhite and Scudder found absent, the sergeant-at-arms was dispatched for the absentees.

After some time, Mr Scudder appeared and took his seat.

Mr Noteware moved that further proceedings under the call be dispensed with. Carried.

On motion of Mr Witter, the House resolved itself into committee of the Whole upon the general file.

Mr Witter in the chair.

After some time spent therein the committee rose, and through their chairman, Mr Witter reported as follows:

Mr Speaker:—

The committee of the Whole have had under consideration the following bills, viz:

H B No 161, to regulate proceedings on writs of *mandamus*, reported back with the recommendation that it pass.

Also, H B No 162, concerning proceedings in cases of *quo warranto*, reported back to the House with the recommendation that it pass.

Also, H B No 169, to provide for the removal of improvements in certain cases, reported back to the House with the recommendation that it pass.

Also, H B No 170, to restrain intercourse with Indians, reported back to the House with the recommendation that it be indefinitely postponed.

DANIEL WITTER, Ch'n.

Mr Rankin moved that the report be adopted. Carried.

Mr Rankin moved to adjourn to 7 P. M.

Mr Chilcott moved to amend by adjourning to 10 A. M. to-morrow.

The ayes and nays being called for and ordered, there were

Ayes—2. Nays—11.

Those voting in the affirmative, were

Messrs Steele and Chilcott.

Those voting in the negative were

Messrs Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia and Mr Speaker.

Mr Wilhite changed his vote.

So the amendment was lost.

The motion of Mr Rankin prevailed and the House adjourned accordingly.

AFTERNOON SESSION.

7 O'CLOCK P. M.

Speaker in the chair.

Mr Whittemore asked leave of absence for Mr Wilhite for the evening, which was granted.

On motion of Mr Scudder,

The House resolved itself into committee of the Whole on the general file.

Mr Scudder in the chair.

After some time spent therein, the committee rose, and through their chairman, Mr Scudder, reported as follows:

That they had had under consideration,

H B No 100, a bill for An act to incorporate the Clear Creek wagon road company, which was amended in section 4, by striking out the words "twenty years," and inserting "ten years," and recommend that it be referred to special committee.

Also, H B No 101, a bill for An act to incorporate the Idaho and Missouri City wagon road company, and recommend that it be referred to a special committee.

Also, H B No 113, a bill for An act to incorporate the Grand City town company, and recommend its passage.

Mr Rankin moved to take up H B No 113. Carried.

Mr Rankin moved to refer the bill to the same committee to whom it had been previously referred. Carried.

Mr Whittemore moved to take from the table H B No 82.—Carried.

Mr Crocker, by leave from select committee, presented the following report:

Your committee, to whom was referred H B No 113, would report the accompanying bill as a substitute, and recommend its passage.

GEO. F. CROCKER, Ch'n.

H B No 82, a bill for An act establishing the mode of locating and changing county seats.

Was taken up and read by sections.

Mr Chaffee moved to strike out section 4.

Mr Scudder was called to the chair.

The question being on the motion of Mr Chaffee, and

The ayes and nays being called for and ordered, there were

Ayes—6. Nays—6.

Those voting in the affirmative were

Messrs Steele, Chaffee, Noteware, Witter, Barela and Garcia.

Those voting in the negative were

Messrs Holly, Rankin, Whittemore, Crocker, Chilcott and Mr Speaker *pro tem.*

Mr Whittemore moved to strike out the words "tribunal transacting county business" wherever it occurs, and insert "county commissioners;" and striking out the word "tribunal" wherever it occurs, and insert "commissioners." Carried.

Mr Crocker moved to amend section 2, by striking out the 7th line and inserting "the general election in Demember next."

Mr Chaffee moved to adjourn.

The ayes and nays being called for and ordered, there were

Ayes—7. Nays—5.

Those voting in the affirmative were,

Messrs Steele, Chaffee, Noteware, Whittemore, Garcia, Chilcott and Mr Speaker *pro tem.*

Those voting in the negative were

Messrs Holly, Rankin, Witter, Crocker and Barela.

So the House adjourned to 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
October 31, 1861.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs Steele, Wilhite, Scudder and Noteware.

Mr Crocker moved a call of the House.

A call of the House being ordered, and Messrs Steele, Wilhite, Scudder and Noteware found absent, the Sergeant-at-arms was dispatched for the absentees.

Mr Chaffee moved that further proceedings under the call be dispensed with. Carried.

The daily Journal was read and corrected.

Mr Chaffee, from committee on Incorporations, presented the following report:

Mr Speaker:

Your committe, to whom was referred C B No 42, and H B No 157, would respectfully report that they have not time to carefully examine the rights different parties seem to have in regard to the route asked in each of said bills. We deem the opening of a route through the Rocky Mountains of immense benefit to the Territory, and in order to early effect this object, the Council present us with a bill, and ask the concurrence of the House. We, therefore, recommend the passage of C B No 42.

J. B. CHAFFEE, Ch'n.

Mr Crocker moved that the House do not concur in the amendment to section 1, of H B No 108, a bill for An act regulating elections. Carried.

The amendments to sections 2, 3 and 4 were concurred in.

Mr Whittemore moved to amend the amendment to the 20th line of section 4, by striking out the word "November," and inserting "December." Carried.

The amendments to sections 10, 11, 12, 16, 18, 25, 26, 30, 34, 43 and 47 were concurred in.

Mr Witter moved to concur in the amendment to section 33. Lost.

Mr Chilcott was called to the chair.

Mr Holly gave notice that he would, on to-morrow or some subsequent day, ask leave to introduce a bill for An act to incorporate the Colorado Grand Lodge of Free and Accepted Masons.

Mr Whittemore gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act to incorporate the Rocky Mountain prospecting company.

Mr Speaker resumed the chair.

Mr Noteware moved to adopt the report of the committee on Incorporations.

Mr Rankin moved that the report be laid on the table for one day.

The ayes and nays being called for and ordered, there were

Ayes—7. Nays—5.

Those voting in the affirmative were

Messrs Wilhite, Scudder, Rankin, Whittemore, Witter, Garcia and Mr Speaker.

Those voting in the negative were

Messrs Steele, Chaffee, Noteware, Barela and Chilcott.

So the motion prevailed.

Mr Chilcott previous notice having been given, introduced H B No 179, a bill for An act to incorporate the Arkansas Valley insurance company.

C B No 86, a bill for An act for the protection of trout fish, was

Read first time, by its title.

Also, C B No 87, a bill for An act to prevent non-residents from importing into the Territory of Colorado, stock for grazing purposes.

Also, C B No 88, a bill for An act to incorporate St. John's Church in the Wilderness.

H B No 179, was

Read first time by its title.

The following House and Council Bills were

Read a second time by their titles:

H B No 179.

C B's No's 86, 87 and 89.

Mr Witter moved C B No 89, be referred to committee on Edution. Carried.

Mr Chilcott moved that H B No 179, be referred to committee on Incorporations. Carried.

C B No. 28, a bill for An act to provide for limitations of actions, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—11. Nays—0.

Those voting in the affirmative, were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed, and the

Title was agreed to.

H B No 112, a bill for An act relating to the General Assembly,

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—13. Nays—0.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed.

Title agreed to.

H B No 187, a bill for An act concerning mining and other claims, was

Read a third time.

The question recurring on the final passage of the bill there were

Ayes—7. Nays—6.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Rankin, Noteware, Chilcott and Mr Speaker.

Those voting in the negative, were

Messrs Chaffee, Whittemore, Witter, Crocker, Barela and Garcia.

So the bill passed, and the

Title was agreed to.

H B No 82, a bill for An act establishing the mode of locating and changing county seats, was taken up.

The motion of Mr Crocker to amend Sec. 2 by striking out the 7th line and inserting "the general election in December next," which was pending at yesterday's adjournment, was taken up.

The ayes and nays being called for and ordered on the motion, there were,

Ayes 7. Nays 5.

Those voting in the affirmative were

Messrs Steele, Wilhite, Chaffee, Noteware, Crocker, Barela and Garcia.

Those voting in the negative, were

Messrs Scudder, Whittemore, Witter, Chilcott and Mr Speaker.

So the motion prevailed.

Mr Witter moved to strike out all of Sec. 4 after the word "ballot," and insert in lieu thereof, "the same as at the general election, and if no place then have a majority of all the votes, the county-seat shall not be changed until the next general election

when a vote may again be taken, as provided in Sec. 3. Carried.

Mr Chaffee moved to strike out Sec. 5. Carried.

Mr Chaffee moved that the bill be ordered engrossed for a third reading. Carried.

H B No 161, to regulate proceedings on writs of *Mandamus*, was Read third time.

The question recurring on the final passage of the bill, there were Ayes—13. Nays—0.

Those voting in the affirmative were —

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed, and the

Title was agreed to.

H B No 162, concerning proceedings in cases of *quo warranto*, was Read third time.

The question recurring on the final passage of the bill, there were Ayes—12. Nays—0.

Those voting in the affirmative were,

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Mr Noteware was excused from voting.

So the bill passed, and

Title was agreed to.

H B No 169, to provide for the removal of improvements in certain cases, was

Read third time.

The question recurring on the final passage of the bill, there were Ayes—9. Nays—4.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Noteware, Whittemore, Barela, Garcia and Mr Speaker.

Those voting in the negative, were

Messrs Chaffee, Witter, Crocker and Chilcott.

So the bill passed and the

Title was agreed to.

Mr Chaffee moved that H B No 100, a bill for An act to incorporate the Clear Creek wagon road company, and H B No 101, a bill for An act to incorporate the Idaho and Missouri City wagon road company, be referred to a select committee. Carried.

The chair announced as such committee, Messrs Chaffee, Noteware and Rankin.

H B No 176, a bill for An act to prevent ranchmen and stable keepers from using stock left with them without the consent of the owners, was read a third time.

The question recurring on the final passage of the bill, there were Ayes—11. Nays—2.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Rankin, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative, were
Messrs Scudder and Chaffee.
So the bill passed, and the
Title was agreed to.

The Assistant Secretary of the Council appeared and delivered the following message:

COUNCIL CHAMBER,
October. 30, 1891.

Mr Speaker:

I am instructed by the Council to inform the House that the Council insists on its amendments to

H B No. 87, An act to organise and establish the treasury department," and have appointed Messrs Parker, Colby and Francisco, a committee of conference on the part of the Council to confer with a like committee on the part of the House on said bill, and your concurrence therein is respectfully requested.

S. L. BAKER,
Sec. of the Council.

Mr Crocker moved that a committee of conference be appointed to meet the committee of conference from the Council. Carried.

The chair announced as such committee,
Messrs Crocker, Chaffee and Witter.

H B No 178, a bill for An act relating to the construction of private charters, was
Read third time.

The question recurring on the final passage of the bill, and
The ayes and nays being called for and ordered, there were,
Ayes—11. Nays—2.
Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Notoware, Whittemore, Witter, Barela, Garcia and Mr Speaker.

Those voting in the negative, were
Messrs Crocker and Chilcott.

So the bill passed and
Title was agreed to.

Mr Rankin moved that the report of the select committee recommending a substitute for H B No 113, a bill for An act fixing the time of the meeting of the Legislature, be adopted.

The ayes and nays being called for and ordered, there were
Ayes—10. Nays—2.

Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Notoware, Crocker, Barela, Garcia and Mr Speaker.

Those voting in the negative were
Messrs Whittemore and Witter.

So the motion prevailed.

Mr Rankin moved that the substitute be read a third time.

Mr Witter moved to amend, that the bill be ordered engrossed for a third reading.

The amendment prevailed, and the motion as amended was adopted.

H B No 150, a bill for An act to establish the University of Colorado, was taken up.

The question being to fill the blank in section 1, article II,

Mr Wilhite moved that the roll be called, and that the blank be filled with the name of the place having a majority of all the votes cast. Carried.

FIRST ROLL CALL.

Messrs Steele and Rankin voted for Golden City; 2.
Mr Wilhite voted for Denver; 1.
Mr Scudder voted for Georgia Gulch; 1.
Mr Chaffee voted for Silver City; 1.
Mr Noteware voted for Mill City; 1.
Mr Whittemore voted for Bradford; 1.
Mr Witter voted for Platte City; 1.
Mr Crocker voted for McNulty; 1.
Messrs Barela and Chilcott voted for Pueblo; 2.
Mr Garcia voted for Conejos; 1.
Mr Speaker voted for Boulder; 1.

No one place having received a majority of all the votes cast, the blank was not filled.

SECOND ROLL CALL.

Messrs Steele, Rankin and Chaffee voted for Golden City; 3.
Mr Wilhite voted for Julesburg; 1.
Mr Scudder voted for seat of government; 1.
Messrs Noteware and Whittemore voted for Mill City; 2.
Mr Witter voted for Platte City; 1.
Mr Crocker and Mr Speaker voted for Boulder; 2.
Messrs Barela, Garcia and Chilcott voted for Canon City; 3.

No one place having received a majority of all the votes cast, the blank was not filled.

THIRD ROLL CALL.

Mr Steele voted for Golden City; 1.
Messrs Wilhite, Scudder and Chaffee voted for Denver; 3.
Messrs Rankin, Noteware, Whittemore, Witter, Crocker, Garcia, Chilcott and Mr Speaker voted for Boulder; 8.
Mr Barela voted for Canon City; 1.

Boulder having received a majority of all the votes cast, the blank was filled accordingly.

Mr Crocker moved to fill the blank in section 12, of article II, as in section 1 of same article. Carried.

The question being to fill the blanks for directors in section 2, of article II,

Mr Steele nominated D. P. Walding.
Mr Wilhite nominated J. Feld.
Mr Scudder nominated A. O. Patterson.
Mr Rankin nominated A. A. Bradford.
Mr Chaffee nominated Gen Lewis Cass.
Mr Noteware nominated Wm Gilpin.
Mr Whittemore nominated Edwin Scudder.
Mr Witter nominated Dr D M Vance.
Mr Crocker nominated J H Noteware.
Mr Barela nominated C Dominguez.
Mr Garcia nominated F J Stanton.
Mr Chilcott nominated Byron M Sanford.
Mr Speaker nominated M Riddlebarger.

SECOND NOMINATIONS.

Mr Steele nominated Wm Hammit.
Mr Wilhite nominated Wm N Byers.
Mr Scudder nominated J B Chaffee.
Mr Rankin nominated Chief Justice B F Hall.
Mr Chaffee nominated Jeff Davis.
Mr Noteware nominated Thos Gibson.
Mr Whittemore nominated Amos Steck.
Mr Witter nominated C C Carpenter.
Mr Crocker nominated Jesus M Barela.
Mr Barela nominated G F Crocker.
Mr Garcia nominated O A Whittemore.
Mr Chilcott nominated Mr Partridge.
Mr Speaker nominated Jno Howard.
Mr Steele changed his nomination from Gen Fremont.
Mr Wilhite changed his nomination from L L Weld.
Mr Chaffee changed his nomination from Abe Lincoln.
Mr Wilhite moved that the bill be indefinitely postponed.
The ayes and nays being called for and ordered, there were
Ayes—4. Nays—9.
Those voting in the affirmative were
Messrs Wilhite, Scudder, Rankin and Chaffee.
Those voting in the negative were
Messrs Steele, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
So the motion was lost.
Mr Wilhite sent up the following communication:

DENVER CITY, Oct. 31, 1861.

To the Speaker of the House of Representatives of Colorado Territory:—

I herewith tender my resignation as Page of this House, to take effect at noon this day, in order that I may start for the States in the morning, to attend school this winter.

Very respectfully,
WILLIE SHAW.

The resignation was accepted.

Mr Noteware moved that a vote of thanks be tendered to Mast Shaw, for faithful attendance upon the House.

Mr Crocker moved to lay the motion on the table.

The ayes and nays being called for and ordered, there were

Ayes—6. Nays—7.

Those voting in the affirmative were

Messrs Steele, Scudder, Rankin, Whittemore, Witter a Crocker.

Those voting in the negative were

Messrs Wilhite, Chaffee, Noteware, Barela, Garcia, Chilcott a Mr Speaker.

So the motion was lost.

Mr Rankin moved to adjourn.

The ayes and nays being called for and ordered, there were

Ayes—4. Nays—9.

Those voting in the affirmative, were

Messrs Scudder, Rankin, Noteware and Crocker.

Those voting in the negative were

Messrs Steele, Wilhite, Chaffee, Whittemore, Witter, Barel Garcia, Chilcott and Mr Speaker.

So the motion was lost.

Mr Witter moved that the motion of Mr Noteware be inde nitely postponed. Carried.

On motion of Mr Chilcott, the House adjourned to 2 P. M.

AFTERNOON SESSION.

2 o'clock, P. M.

Speaker in the chair.

The Assistant Secretary of the Council appeared and deliver the following message:

Council Chamber,
October 31, 1861.

Mr Speaker:—

I am instructed by the Council to inform the House that t Council has passed

H B No 97, An act creating a lien in favor of mechanics, in ce tain cases.

H B No 120, a bill for An act concerning aliens.

H B No 48, a bill for An act to provide for recording contra relating to lands, and for other purposes.

H B No 19, a bill for An act concerning practice in civil cases.

H B No 129, a bill for An act concerning oaths and affirmatio

H B No 56, a bill for An act to protect and regulate the irrigation of lands.

J M No 2, Joint memorial for the establishment of a branch mint of the U. S. at Denver, without amendment.

C B No 45, a bill for An act to protect the rights of married women.

H B No 36, a bill for An act concerning imprisonment for debt."

Amended by inserting after the word "debt," in section 1, the words "upon any contract, express or implied."

H B No 107, a bill for An act relating to counties and county officers.

Amended by adding section 7, to article 10, as follows:

Sec 7. Whenever any Justice of the Peace shall be required to act as Coroner, in any case, or any Coroner shall be required to act as Sheriff, or any other officer in this Territory shall be required to perform any duty belonging to any other office, he shall, for the time being, have the same powers in respect to that duty, as are given by law to the officer whose duties he shall perform, and shall be entitled to receive the same compensation for his services.

H B No 119, a bill for An act concerning jurors.

Amended as follows:

By striking out the word "twelve," in 4th line of section 2, and inserting instead thereof the word "sixteen;" also the word "nine," in 17th line from top of page, in same section, and inserting the word "twelve," instead.

H B No 58, a bill for An act to incorporate the Swan River and Georgia Gulch water company.

Amended as follows:

By adding to section 2, viz: *Provided,* That the priviliges herein granted are not to be construed to authorize said company in any way to interfere with the mill privileges and rights already acquired by David Barnes, by occupation and use, on said Swan River, or to authorize said company to divert the water of said Swan River from the mill of said Barnes, now on said River, to his injury."

Also, amending section 5, so as to read as follows:

Sec 5. Seventy-five cents per inch, under a head of five inch pressure, for each clear issue of twelve hours, or one day; and for the use of the same water second-handed, fifty cents for each twelve hours, or one day; and for the use of the water third-handed, or all subsequent use, twenty-five cents per inch, for each and every twelve hours; and for the night shall not exceed one-half of the above rates.

C B No 46, a bill for An act to protect the mining claims and property of soldiers.

C B No 4, a bill for An act in relation to courts and recording offices heretofore established, and transfers of property heretofore made."

And respectfully ask the concurrence of the House therein.

S. L. BAKER, Sec'y of Council.

Master Townsend came forward and took the oath of office, at the Speaker's desk, as Page of the House.

Mr Chaffee from the select committee, presented the following reports:

Mr. Speaker:

Your committee, to whom was referred H B No 100, would report the following amendments, and with them recommend its passage:

Strike out all in fourth line after the word "his" to the word "and" in fifth line, and insert "associates be."

Strike out the word "twenty" in third line and insert "ten."

Strike out in 6th section the words "one dollar," and insert "75 cents."

Strike out in twelfth line of the 6th section "75 cents" and insert "50 cents."

Strike out "twenty-five" in fifteenth line, and insert "15 cents."

Strike out "fifteen" in seventeenth line, and insert "10 cents."

J. B. CHAFFEE, Chairman.

Mr Speaker:

Your committee to whom was referred H B No 101, would report the following amendments, and with them recommend its passage.

Strike out all of the fourth line after the word "his" and insert "associates be and they."

Also, strike out "twenty" wherever it relates to years, and insert "5 years."

Also, to amend the rates of tolls so as the words "seventy-five" shall read "50 cents;" the words "sixty" "twenty-five," "fifteen" and "five," shall read respectively "thirty," "ten," "ten" and "two."

J. B. CHAFFEE, Chairman.

Mr Chilcott, from committee on engrossment, made the following report:

Mr. Speaker:

Your committee on engrossed bills beg leave to report substitute for H B No 113, as correctly engrossed.

G. M. CHILCOTT, Chairman.

Mr Scudder from the committee on Ways and Means, presented the following report:

Mr. Speaker:

Your committee have had under consideration H B No 140, a bill for An act to provide for the payment of the expenses of the Legislature, and would recommend its passage with the following amendments.

Amend section 1 in the first line, by striking out the word "ten" and insert the word "five," and strike out the word "printing" in the seventh line.

EDWIN SCUDDER, Chairman.

Mr Crocker, from committee on Judiciary, made the following report:

Mr. Speaker:

Your committee, to whom was referred H B No 156, would recommend that the same be amended as follows:

Sec. 1 insert, as an additional incorporator the name of George T. Clark.

In eight line strike out the word "company."

In thirteenth line, strike out "east" and insert "west."

In fifteenth line strike out the word "exclusive."

In twenteeth line strike out the word "twenty" and insert "ten."

In twenty-first line strike out the words "and the" and strike out twenty-second, twenty-third and twenty-fourth lines.

Sec. 4. In eight line insert after the word mentioned, "reasonable notice of said time and place be given to all the corporators."

Strike out Sec 5.

Add to Sec 7, the words "not inconsistent with the laws of this Territory."

Strike out Sec 9.

Sec 11, strike out 3d line.

Sec 12, in 1st line insert after the word "or," the word "written." In 3d line strike out all after the word "contract."

Sec 14, in 3d line, strike out the word "which," and strike out 4th line.

Strike out Sec 17.

And with these amendments would recommend its passage.

GEORGE F. CROCKER, Ch'n.

Mr Chaffee moved that the report be adopted, and that the bill be ordered engrossed for a third reading. Carried.

Mr Witter moved that the blank in Sec 2 of art 2 of H B No 150 a bill for An act to establish the University of Colorado, be filled with the persons nominated this morning.

Ayes and nays being called for and ordered, there were,

Ayes—8. Nays—5.

Those voting in the affirmative were

Messrs Rankin, Chaffee, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Noteware and Whittemore.

So the motion prevailed.

Mr Noteware moved that the bill be considered read a third time. Carried.

The question recurring on the final passage of the bill, there were

Ayes—7. Nays—6.

Those voting in the affirmative were,

Messrs Rankin, Noteware, Whittemore, Crocker, Barela, Garcia and Mr Speaker.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Chaffee, Witter and Chilcott.

So the bill passed.

Title agreed to.

Mr Crocker gave no ice that on to-morrow or some subsequent day, he would introduce

A bill for An act to incorporate the Cash Creek fluming company.

Mr Noteware, previous notice having been given, introduced

H B No 180, a bill for An act to incorporate the Canon stock ditch company.

Mr Scudder previous notice having been given, introduced

J M No 6, a memorial to Congress for the payment of the expenses of the provisional government.

Mr Chaffee called for the reading of the memorial, and the memorial was accordingly read.

Mr Witter moved that the memorial be indefinitely postponed.

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative, were

Messrs Rankin, Chaffee, Whittemore, Witter and Garcia.

Those voting in the negative were,

Messrs Steele, Wilhite, Scudder, Noteware, Crocker, Barela, Chilcott and Mr Speaker.

So the motion was lost.

Mr Rankin moved that the memorial be read a first and second time, and referred to a select committee.

A division of the question was called for.

The first division being to read a first and second time, and

The ayes and nays being called for and ordered, there were

Ayes—10. Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Whittemore, Crocker, Barela, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Noteware, Witter and Garcia.

So the motion prevailed, and the memorial was accordingly

Read first and second time.

The question being to refer to a special committee, and

Ayes and nays being called for and ordered, there were

Ayes—9. Nays—4.

Those voting in the affirmative, were

Messrs Wilhite, Scudder, Rankin, Noteware, Whittemore, Witter, Barela, Garcia and Mr Speaker.

Those voting in the negative were

Messrs Steele, Chaffee, Crocker and Chilcott.

So the last division prevailed.

The chair announced as such committee

Messrs Rankin, Chaffee and Whittemore.

Substitute for H B No 113 a bill for An act to provide for the time of the meeting of the Legislature, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—7. Nays—4.

Those voting in the affirmative were

Messrs Steele, Scudder, Rankin, Chaffee, Crocker, Barela and Garcia.

Those voting in the negative were

Messrs Whittemore, Witter, Chilcott and Mr Speaker.

So the bill passed.

Title agreed to.

Mr Scudder moved to adjourn to 7 P. M.

Mr Steele moved to amend by adjourning to 6 P. M.

The ayes and nays being called for and ordered, there were

Ayes—3. Nays—10.

Those voting in the affirmative were

Messrs Steele, Garcia and Chilcott.

Those voting in the negative, were

Messrs Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela and Mr Speaker.

So the amendment was lost.

The question recurring on the original motion, and

The ayes and nays being called for and ordered, there were

Ayes—7. Nays—6.

Those voting in the affirmative were

Messrs Steele, Scudder, Witter, Crocker, Barela, Garcia and Mr Speaker.

Those voting in the negative were

Messrs Wilhite, Rankin, Chaffee, Noteware, Whittemore and Chilcott.

House adjourned to 7 P. M.

EVENING SESSION.

7 O'CLOCK P. M.

Speaker in the chair.

H B No 174, a bill for An to incorporate the Platte City ditch company, was taken up.

Mr Noteware moved to strike out the words "three hundred" in section 12, and insert "one hundred." Lost.

The Assistant Secretary appeared and delivered the following message:

Message from the Council:

COUNCIL CHAMBER,
October 31, 1861.

Mr Speaker:—

I am instructed by the Council to inform the House, that the Council has passed

H B No 11, a bill for An to locate the seat of government of Colorado Territory," with the following amendments, viz:

Strike out the word "Denver" and insert the word "Colorado" in its place—strike out the word "south" and insert "east;"

Also strike out all of section one after the word "bank" and insert "of the Fountaine Qui Bouille at the mouth of Camp Creek;"

Also, strike out in section two the word "incorporate" and insert "surveyed" in its place;

Also, strike out the words "City of Denver" and insert the words "Town of Colorado" in its place;

Also, strike out the words "City of Denver" wherever they occur in the remainder of the bill, and insert "Town of Colorado;"

Also, strike out the words "Edwin H Brown of Central City" and insert the words "E B Cozzens of Pueblo" in their place in section 2. and respectfully ask the concurrence of the House therein.

S. L. BAKER,
Secretary of Council.

Mr Chaffee moved that the bill be considered read a third time.

The question recurring on the final passage of the bill, there were Ayes 12. Nays 1.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Mr Rankin voted in the negative.

So the bill passed, and

Title was agreed to.

Mr Witter moved that the reports on H B No 100, a bill for An act to incorporate the Clear Creek wagon road company, and

H B No 101, a bill for An act to incorporate the Idaho and Missouri City wagon road company, be adopted, and that the bills be ordered engrossed for a third reading. Carried.

H B No 148, a bill for An act to incorporate the Grand City town company, was

Read a third time.

The question recurring on the final passage of the bill, there were, Ayes—7. Nays—5.

Those voting in the affirmative were

Messrs Steele, Wilhite, Noteware, Whittemore, Garcia, Chilcott and Mr Speaker.

Those voting in the negative, were

Messrs Rankin, Chaffee, Witter, Crocker and Barela.

So the bill passed.

Title agreed to.

Mr Crocker moved to take up H B No 11, with Council amendments.

The motion was withdrawn.

H B No 175, a bill for An act to incorporate the Kansas, Canon City and Colorado stage and express company,

Was taken up and read by sections.

Mr Witter moved to strike out the word "twenty" and insert the word "ten." Carried.

Mr Chaffee moved to refer the bill to the committee of the Whole. Carried.

H B No 177, a bill for An act to incorporate the Canon City, Grand River and San Juan wagon road company,

Was taken up and read by sections.

Mr Crocker moved to amend section one by inserting as the name of the company, "the Canon City, San Juan and Grand River road company." Carried. The bill was

Read third time.

The question recurring on the final passage of the bill, there were,

Ayes—11. nays—2.

Those voting in the affirmative were

Messrs Steele, Willhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Witter and Garcia.

So the bill passed, and the

Title agreed to.

H B No 183, a bill for An act to change the name of Guadaloupe County to Conejos County, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—13. Nays—0.

Those voting in the affirmative, were

Messrs Steele, Willhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed, and

Title agreed to.

Mr Crocker, from the special committee made the following report:

Mr Speaker:—

The special committee to whom was referred H B No 171, would recommend its passage.

GEORGE F. CROCKER, Ch'n.

The special committee to whom H B No 141 was referred, would

report that they know nothing regarding the facts, and would report back the same without recommendation.

GEO. F. CROCKER, Chairman.

H B No 171, a bill for An act to incorporate the Georgia Bar and Arkansas River fluming company, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—11. Nays—2.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative, were

Messre Rankin and Witter.

So the bill passed and the

Title was agreed to.

Mr Witter moved to go into committee of the Whole upon the general file.

Mr Rankin moved to adjourn.

Ayes and nays being called for and ordered, there were

Ayes—7. Nays—6.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Witter and Barela.

Those voting in the negative, were

Messrs Noteware, Whittemore, Crocker, Garcia, Chilcott and Mr Speaker.

So the House adjourned to 9 A. M. to-morrow.

House of Representatives, November 1, 1861.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Mr Whittemore.

A quorum being present

The Journal of Thursday's proceedings was taken up for reading.

Mr Noteware moved that the further reading of the daily Journal be dispensed with, and that it be referred to the committee on Printing. Carried.

Mr Rankin, from select committee, presented the following minority report:

Mr Speaker:

The minority of your committee to whom was referred C B No 42, entitled An act to incorporate the Colorado and Pacific wagon,

telegraph and railroad company, also H B No 157, entitled An act to incorporate the Denver, Golden City and Salt Lake road and telegraph company, would beg leave to submit the following report:

The undersigned minority of said committee finds upon careful consideration of the above bills, that the route or direction proposed to be traveled in the provisions of each bill, is exactly the same, and identical in every particular.

Also, that the company embodied in H B No 157, obtained in the winter of 1859-60, a charter from the Legislature of Kansas authorizing them to locate and establish roads and stage routes throughout the then Territory of Kansas, under the provisions of which charter the said company on or about the first day of May, 1861, did, in good faith institute a search and survey for a Pass across the mountains from Denver to Salt Lake City, which resulted in the discovery of the Pass known as the Berthoud Pass; and on or about the 1st day of July, 1861, said company fitted out a second expedition, for the purpose of locating and surveying a road from Denver, by way of the Berthoud Pass, to the Great Salt Lake City, and with an expenditure of over six thousand dollars, succeeded in finding a practicable route, which was accurately chained and field notes taken, for which, in said H B No 157, they now ask a charter of the Legislature of Colorado Territory.

Again, on comparing the two bills, the undersigned finds that H B No 157 asks only for a right of way of one hundred feet wide, without any exclusive privileges, whereas C B No 42, asks for the exclusive right over a strip of land of twelve rods wide, on each side of the line of said road.

Again, that H B No 157 asks only for a direct route to Salt Lake, for the purpose of carrying mail, freight and passengers; whereas C B No 42 asks in addition to said direct route, for a branch up the Blue River and to Canon City and the Arkansas, which branch must, of necessity, pass over roads for which charters have already been granted by this Legislature.

H B No 157 also obligates the company to commence the construction of said road within one year and complete the same within five years, under penalty of the forfeiture of their charter; whereas C B No 42 specifies no time either for commencement or completion, and under which said company of men hold the exclusive right of way without completing or even commencing the construction of said road, thus preventing others from building the road who might be able and willing to do so.

That from the evidence adduced before the committee on the part of H B No 157, it appears to the undersigned and patent to the most common understanding, that it is their direct intention to immediately carry on said work to completion, thereby greatly enhancing not only the interest of Colorado Territory, but that of the whole United States; whereas there was no evidence adduced on the part of C B No 42, before your committee, which would in any way lead to the supposition that the incorporators of said bill ever designed to build said road, or that they were in any way entitled

to the rights and privileges asked for in said bill; but it does appear from the evidence before your committee, that the incorporators of H B No 157 having discovered said Pass, and surveyed and located a road through said Pass at a heavy expense, are justly entitled to all, and even more, rights and privileges asked for in this charter; whereas the incorporators of C B No 42 have failed to produce any evidence that they have ever expended a single dollar for the advancement of the projected road, but it does appear that by some means unknown, they have surreptitiously obtained a copy of the field notes of the survey made by the discoverers of the Pass, which are to be seen in section 1 of C B No 42, which notes could not have been other than as above mentioned, from the fact that the incorporators of C B No 42 do not pretend to have made a survey of the above named route.

In view of the above facts, the undersigned would respectfully recommend that C B No 42 be indefinitely postponed, and that H B No 157 be ordered to be read a third time and put upon its final passage.

All of which is respectfully submitted by

W. A. RANKIN.

Mr Chilcott, from committee on Engrossment, presented the following report:

Mr Speaker:—

Your committee on engrossed bills beg leave to report H B No 82, as correctly engrossed.

G. M. CHILCOTT, Chairman.

Mr Noteware, from committee on Education, presented the following report:

House of Representatives,
November 1, 1861.

Mr Speaker:

Your committee, to whom was referred C B No 39, a bill for An act to incorporate St. John's Church in the Wilderness, have examined the same and found the objects of the bill right and proper, and would recommend its passage.

J. H. NOTEWARE, Ch'n.

The following message from the Governor was received and read:

Executive Department, Colorado Territory,
Denver, October 31th, 1861.

To the Speaker of the House of Representatives:

Sir:—I have approved and signed acts entitled

An act concerning justices of the peace and constables.

An act to provide for the appointment of three commissioners in each county in this Territory.

A joint memorial in relation to mail routes.

An act to provide for contested elections.
An act to provide for the expenses of Colorado Territory.
An act to establish the office of county attorney and to define his duties.
An act concerning evidence and depositions.

Very respectfully,
WILLIAM GILPIN,
Governor of Colorado Territory.

Mr Chaffee moved to concur in the Council amendments to H B No 36, a bill for An act concerning imprisonment for debt. Carried.

Mr Chaffee moved to concur in the Council amendments to H B No 119, a bill for An act concerning jurors. Carried.

Mr Chaffee moved to concur in Council amendments to H B No 107, a bill for An act relating to counties and county officers. Carried.

Mr Whittemore moved to concur in Council amendments to H B No 58, a bill for An act to incorporate the Swan River and Georgia Gulch water company. Carried

Mr Crocker moved to concur in the Council amendments to H B No 11, a bill for An act to locate the seat of government of Colorado Territory.

Mr Witter moved to concur with an amendment by inserting "Hamilton" where "Colorado City" occurs.

Mr Chaffee moved to concur with the amendment to the amendment by inserting "Central City."

The ayes and nays being called for and ordered, there were
Ayes—4. Nays—9.
Those voting in the affirmative were
Messrs Wilhite, Scudder, Chaffee and Mr Speaker.
Those voting in the negative were
Messrs Steele, Rankin, Noteware, Whittemore, Witter, Crocker, Barela, Garcia and Chilcott.
So the amendment to the amendment was lost.

The question being on the motion of Mr Witter, and
The ayes and nays being called for and ordered, there were
Ayes—6, nays—7.
Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Whittemore, Witter and Mr Speaker.
Those voting in the negative were
Messrs Rankin, Chaffee, Noteware, Crocker, Barela, Garcia and Chilcott.
So the amendment was lost.

The question being to concur, and
The ayes and nays being called for and ordered, there were
Ayes—7. Nays—6.
Those voting in the affirmative were
Messrs Rankin, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Chaffee, Noteware and Witter.
So the amendments were concurred in.

Mr Crocker, previous notice having been given, introduced
H B No 181, a bill for An act to incorporate the Cash Creek fluming company.

Mr Wilhite, previous notice having been given, introduced
H B No 182, a bill for An act to incorporate the Denver City insurance company of Denver City.

Mr Whittemore, previous notice having been given, introduced
H B No 183, a bill for An act to incorporate the Union mining company;
Also, H B No 184, a bill for An act to incorporate the Rocky Mountain prospecting company.

The following bills were
Read first and second time by their titles.

C B No 5, a bill for An act in relation to courts and recording offices heretofore established, and transfers of property heretofore made.
C B No 45, a bill for An act to protect the rights of married women.
C B No 46, a bill for An act to protect the mining claims and property of soldiers.
H B No 180, a bill for An act to incorporate the Canon joint stock ditch company.
H B No's 181, 182, 183 and 184.

Mr Chaffee moved that the bills just read be referred to the committee of the Whole. Carried.

H B No 82, a bill for An act establishing the mode of locating and changing county seats, was
Read a third time.

The question recurring on the final passage of the bill, there were
Ayes—11. Nays—2.
Those voting in the affirmative were
Messrs Steele, Wilhite, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
Those voting in the negative were
Messrs Scudder and Witter.
So the bill passed, and
Title was agreed to.
H B No 140, a bill for An act to provide for the payment of the expenses of the Legislature, was taken up.

Mr Crocker moved that the report of the committee of Ways and Means, on the bill, be adopted. Carried.

Mr Scudder moved that the bill be considered read a third time. Carried.
The question recurring on the final passage of the bill, there were
Ayes—12. Nays—0.

Those voting in the affirmative were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed, and the

Title was agreed to.

Mr Rankin moved that C B No 42, a bill for An act to incorporate the Colorado and Pacific wagon, telegraph and railroad company, be laid on the table for one day.

The ayes and nays being called for and ordered, there were

Ayes—3. Nays—9.

Those voting in the affirmative were

Messrs Rankin, Witter and Mr Speaker.

Those voting in the negative were

Messrs Steele, Scudder, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

So the motion was lost.

The bill was taken up and read by sections.

Mr Crocker moved to strike out in section 1, the words "complain, petition and implead," and insert "plead and be impleaded in all courts of law and equity."

The ayes and nays being called for and ordered, there were

Ayes—6. Nays—5.

Those voting in the affirmative were,

Messrs Scudder, Chaffee, Whittemore, Witter, Crocker and Mr Speaker.

Those voting in the negative were

Messrs Steele, Rankin, Barela, Garcia and Chilcott.

So the motion prevailed.

The Assistant Secretary of the Council appeared and delivered the following message:

Message from the Council:

Council Chamber,
October 31, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed

H B No 47, An act to incorporate the city of Denver," with the following amendments, viz:

To article 1, section 4, add: and may purchase lots and other property sold for taxes, and convey the same by deed or quit claim, as the City Council may authorize and direct.

Also, article II, section 2, strike out the whole section and insert the following: the said city shall consist of three wards; all that portion of the city lying North and East of the centre of Cherry Creek and South of the Platte River, shall constitute the first ward; and all that portion of said city lying West and South of the centre of Cherry Creek and South of the Platte River, shall constitute

the second ward; and all that portion of said city lying North of said Platte River shall constitute the third ward.

Also, article II, section 3, also insert this section, (sec 3 of original bill to be numbered 4): The board of Aldermen shall consist of five members, two of whom shall be elected by the qualified voters of the first ward, and a like number by the qualified voters of the second ward, and one Aldermen shall be elected annually by the qualified voters of the third ward.

Also article II, section 5, insert after Alderman, in second line, "first and second wards;" also insert instead of the word "board," in next to last line, the words "Aldermen of the first and second wards."

Also, article IV, section 1, strike out section 1, and insert this section in its place:

"On the second Monday in November, 1861, there shall be an election held in each ward of said city, for one mayor, one justice of the peace, to be denominated police magistrate of the City of Denver, one marshal for said city, two aldermen from the first and second wards respectively, and one alderman from the third ward: and forever thereafter, on the first Monday of April in each and every year, there shall be an election for one mayor and one marshal for said city, and an alderman for each ward; and on the first Monday of April, in the year one thousand eight hundred and sixty-three, and every two years thereafter, there shall be an election for one justice of the peace for said city to be denominated police magistrate.'

Also, article IV, section 2, also insert this section:

"For the purpose of holding the election required to be held on the second Monday of September next, J M Broadwell, Wm Larimer, Jr. and L Badolet are hereby appointed judges of election in the first ward; H S Rountree, A Sagendorf and J L Smith, judges of election in the second ward; and A Chaplin, —— Allen, Jr., and E C Thompkins, judges of election of the third ward; whose duty it shall be to appoint two clerks of said election in each ward; said judges and clerks respectively shall conduct said election in all respects as shall be provided by law for holding and conducting elections for county officers, excepting as is herein otherwise provided.

Also, article IV, section 3, also insert this section:

"In case any of the judges herein appointed shall not attend, or decline to serve as such, the remaining judge, or judges, in each ward, shall appoint some other elector, to act in the place of the judge or judges so absent or declining to serve; each judge and clerk shall severally take and subscribe an oath or affirmation to conduct said election according to law, and studiously to endeavor to prevent all fraud, deceit or abuse in conducting the same; said judges and clerks are hereby required to canvass the votes in their respective wards, on the night of or day succeeding the day of election; and after having set fourth, in such form as they shall determine, all the votes cast and the number of votes for each person for the office of alderman of said ward, they shall certify the persons having the highest number of votes to be elected, who shall, within

three days thereafter, be sworn and enter upon the duties of their office; said judges and clerks shall further certify all the votes cast for the office of mayor, marshal and police magistrate, and the number of votes cast for each person for said offices, and thereupon shall close and seal the same with the full list and oaths and affirmations of the judges and clerks.

Also, article IV, section 4, insert also this section:

"It shall be the duty of the judges, immediately upon completing the canvass in their respective wards, to select one of their number to meet a like judge of the other wards, on the first Wednes- of November next after said election, to canvass the vote of each ward, and the person receiving the highest number of votes in said several wards, for the offices of mayor, marshal and police magistrate, shall be duly declared elected to said several offices; in case two or more persons shall receive the same number of votes for either of said offices, the aldermen elected shall, after being sworn and qualified as such, proceed to determine by lot which person so receiving an equal number of votes, shall be sworn and enter upon the duties of their respective offices; should there be an equal number of votes cast in the first and second wards for three or more persons for the office of alderman, or in the third ward for two or more persons for the like office, the aldermen certified by the judges to be elected, shall, on their first meeting after being sworn, determine by lot which person receiving an equal number of votes shall be sworn and enter upon the duties of said office."

Also, article V, section 1, strike out section 1, article V, and insert this section in its place:

"The city council shall have power and authority annually to levy and collect taxes upon all property within said city, authorized by law to be assessed, not exceeding one-half of one per cent upon the value thereof, for the purpose of providing for the ordinary and current expenses of said corporation, as provided in this act, and for no other purpose; the collection of said taxes may be enforced in the manner prescribed by law for the collection of taxes for county purposes."

Also, article V, section 2, strike out section two, article five, and insert this section in its place·

All accounts and demands against the city shall be first audited and allowed by the City Council before they shall be paid, and no account or demand shall be audited and allowed, nor shall any money be paid out of the city treasury, except on the warrant of the Mayor attested by the City Clerk.

Also, article V, section 3, insert this section also:

The City Clerk shall keep a book in which shall be entered all warrants drawn upon the Treasurer of the city, the date of, and amount of each warrant, the number of the same, beginning with number one, the name of the person to whom the same shall be payable, and the date when the account or demand was audited and allowed and if the warrant shall be authorized by the City Council to provide for any expense to be incurred after the date of the war-

rant, the purpose of such expense in brief, shall be stated thereon.

Also, article V, section 4:

The City Council shall have authority to appoint all officers necessary and proper for executing any provisions of this act, or any ordinance enacted in pursuance of this act, except such as are herein elective, and shall define their duties and fix their salary, or fees of all officers, provided that no fees shall be allowed higher than shall be prescribed by law for similar service to other officers in the Territory.

Also, article V, section 3, Strike after the word "schools" in the eleventh line all the balance of the section.

Also. article V, section 4, amended by adding to section the words "thereafter accruing under this act."

Also, article V, section 11, amended by striking out said section and insert as follows, viz:

To alter the boundaries of the several wards, and after two years from the date to erect additional wards.

Also, article V, section 17, amended by inserting after the word "auctioneers" the word "saloon keepers."

Also, article V, section 37, amended by inserting the word "license" in third line between the words "to" and "suppress" and strike out the word "and" between the word "suppress" and the word "restrain" and insert instead the word "or."

Also, article VII, amended by striking out sections one, three, four and five and insert as follows:

When it shall be necessary, in the opinion of the City Council to take private property for opening, widening or altering any public street, lane, avenue or alley, it shall be the duty of the Mayor to cause a jury of six disinterested persons, freeholders of the city, to view the premises and assess the damages which in the judgment of the jury shall accrue to the owner or owners of the property to be taken for opening, widening or altering any street, lane, avenue or alley, it shall be the duty of the jury to inquire into and consider the benefit if any there may be, accruing to the party who shall own any lots or parts of lots sought to be taken for a public street, lane avenue or alley, and report the damage, if any, after deducting the benefits as aforesaid, to the Mayor, in writing, who shall lay the same before the City Council for their confirmation or rejection.

Also, article VII, amended by inserting the following section: It shall be the duty of the Common Council, if they shall confirm the finding of the jury, to declare by resolutions what lots in the vicinage of the lot or lots taken for public use as aforesaid shall in their judgment be assessed for the purpose of paying the amount found to be due the owner of the lot or lots taken for public uses as above mentioned, whereupon the Mayor shall appoint a jury of six disinterested persons to assess the proportionate expenses to each lot, having reference to the relative benefit accruing to each said lot by reason of opening, widening altering said street, so declared by the Common Council to be assessed for the purpose aforesaid, and said

jurors shall make their report to the Mayor, in writing, who shall lay the inquest of said jurors before the City Council for their confirmation or rejection.

Also, article VII, amended by inserting the following: The cost of the inquest of the jury in both cases as mentioned in the two preceding sections shall be paid out of the City Treasury, and shall not exceed the like costs of juries in the court of the Police Magistrate, in cases where juries are required to render service therein. Every juror serving in such service as is hereinbefore mentioned shall, before he enters upon his duties as juror, take an oath or affirmation to execute the duty thereof according to his best judgment and ability, and a true inquest make therein.

Also, article VII, amended by an additional section, as follows: The City Council shall have power and authority to remove any houses, buildings, or other improvements erected in any street, lane, avenue, alley, or open ground, or to remove any enclosure of any street, lane, avenue, alley, or open ground, which by maps of Denver City, as surveyed by E D Boyd, or of Auraria and Highland, so heretofore called and known, were to be known and kept as public steets, lanes, avenues, alleys, or open ground; and the City Council may by ordinance provide for the punishment of all persons who shall in any way obstruct the public streets, lanes, avenues, alleys, or open ground intended, as shall appear from the maps of said city, to be given to the public use.

Also, strike out in article eight, sections one and two.

Also, article VIII, section 7, amended by striking out the words, "real and personal," in first line.

Also, strike out in article eight, all of section 8.

Also, article VIII, section 16, amended by striking out the word "one," between "each" and "dollar," in next to last line, and insert "five."

Also, article VIII, amend by adding the following as an additional section, viz: The Police Magistrate shall have jurisdiction in all cases of violation of the city ordinances, and shall have the same jurisdiction in all civil and criminal proceedings as is now or shall hereafter be conferred upon other Justices of the Peace of this Territory; and in all courts of this Territory, said Police Magistrate shall be held to be a Justice of the Peace, but no change of venue shall be allowed from said Police Magistrate to any other Justice of the Peace for hearing and determination, in any case where proceedings shall be commenced against any person or persons for the violation of any city ordinance.

Also, article VIII, amended by an additional section, as follows: This act shall take effect and be in force from and after its passage. And respectfully ask your concurrence therein.

S. L. BAKER,
Secretary of Council.

Mr Witter moved to adopt the minority report on C B No 42.

The ayes and nays being called for and ordered, there were
Ayes—4. Nays—9.
Those voting in the affirmative were
Messrs Wilhite, Rankin, Witter and Mr Speaker.
Those voting in the negative, were
Messrs Steele, Scudder, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.
So the motion was lost.

Mr Crocker moved that the bill be considered read a third time.
Mr Witter moved that the bill be indefinitely postponed.

The ayes and nays being called for and ordered, there were
Ayes—4. Nays—9.
Those voting in the affirmative were
Messrs Rankin, Noteware, Witter and Mr Speaker.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Chaffee, Whittemore, Crocker, Barela, Garcia and Chilcott.
Mr Witter moved that the bill be referred to a select committee of three.
The ayes and nays being called for and ordered, there were
Ayes—4. Nays—9.
Those voting in the affirmative were
Messrs Wilhite, Rankin, Witter and Mr Speaker.
Those voting in the negative were
Messrs Steele, Scudder, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.
So the motion was lost.
Mr Witter moved to refer C B No 42 and H B No 157 to the committee of the Whole.

The ayes and nays being called for and ordered, there were
Ayes—4. Nays—9.
Those voting in the affirmative were
Messrs Wilhite, Rankin, Witter and Mr Speaker.
Those voting in the negative were
Messrs Steele, Scudder, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.
So the motion was lost.

Mr Witter moved to substitute H B No 157 for C B No 42. Lost.
Mr Witter called for the reading of C B No 42, and the bill was accordingly read at length.

Mr Crocker withdrew his motion to consider the bill read a third time.

Mr Witter moved to amend in section 18th, sixth line, to strike out the words "twelve rods," and insert "one hundred feet."

The ayes and nays being called for and ordered, there were
Ayes—3. Nays—10.
Those voting in the affirmative were
Messrs Rankin, Witter and Mr Speaker.
Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

So the motion was lost.

Mr Witter moved to strike out all the sections of the bill which gave a right of way for the branch of said roads up the Blue, and down the Platte and Arkansas Rivers to Canon City.

The ayes and nays being called for and ordered, there were

Ayes—4. Nays—9.

Those voting in the affirmative, were

Messrs Rankin, Noteware, Witter and Mr Speaker.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Chaffee, Whittemore, Crocker, Barela, Garcia and Chilcott.

So the motion was lost.

Mr Rankin moved to strike out the word "exclusive," wherever it occurs in the bill.

The ayes and nays being called for and ordered, there were

Ayes—3. Nays—10.

Those voting in the affirmative were

Messrs Rankin, Witter and Mr Speaker.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

So the motion was lost.

Mr Witter moved a new section, as follows:

That the corporators named in this act shall open books for the subscription of stock, in the City of Denver, by giving previous notice in the newspapers, within thirty days after the passage of this bill, which book shall continue open for ninety days, unless the entire capital stock shall have been subscribed in less time, under the following restrictions, to-wit:

One per cent. of the amount subscribed shall be paid to a Treasurer to be appointed by the incorporators, at the time of subscription, and the balance at such times as this corporation shall determine by a bye-law. All who subscribe for such stock, and comply with the terms of such subscription, shall be incorporators with the persons named in this act, and with equal rights and privileges. The subscribers to the stock of this incorporation shall have an equal vote in all the affairs and management of the company, in proportion to the amount of stock subscribed and owned by them.

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative, were

Messrs Wilhite, Rankin, Noteware, Witter and Mr Speaker.

Those voting in the negative were,

Messrs Steele, Scudder, Chaffee, Whittemore, Crocker, Barela, Garcia and Chilcott.

So the section was not adopted.

Mr Rankin moved an additional section:

The said company shall begin the construction of said road within one year, and complete the same within five years.

Ayes and nays being called for and ordered, there were
Ayes—5. Nays—8.
Those voting in the affirmative, were
Messrs Scudder, Rankin, Noteware, Witter and Mr Speaker.
Those voting in the negative were
Messrs Steele, Wilhite, Chaffee, Whittemore, Crocker, Barela, Garcia and Chilcott.
So the section was not adopted.

The Assistant Secretary of the Council appeared and delivered the following message:

COUNCIL CHAMBER,
November 1, 1861.

Mr. Speaker:

I am instructed by the Council to inform the House that the Council has passed
H B No 118, An act to provide for stay of proceedings on foreign indebtedness, without amendment.

S. L. BAKER,
Sec. of the Council.

Mr Rankin moved to add to the names of the corporators the following:—S Colfax, A A Bradford, S C Pomeroy, M F Conway, J H Lane, Simon Cameron, S P Chase, B F Hall, Erastus Corning, C C Post, Sam McClain and B F Dalton.

The ayes and nays being called for and ordered, there were,
Ayes—5. Nays—7.
Those voting in the affirmative were
Messrs Rankin, Noteware, Witter, Garcia and Mr Speaker.
Those voting in the negative, were
Messrs Steele, Wilhite, Scudder, Chaffee, Whittemore, Barela and Chilcott.
So the motion was lost.
Mr Rankin offered the following as an additional section:

"That the said company shall, within one year, expend at least ten thousand dollars in the construction of the road, from the passage of this act, or forfeit their charter."

The ayes and nays being called for and ordered, there were
Ayes—4. Nays—9.
Those voting in the affirmative were
Messrs Rankin, Noteware, Witter and Mr Speaker.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Chaffee, Whittemore, Crocker, Barela, Garcia and Chilcott.
So the section was not adopted.
Mr Witter moved as a new section the following:

"The said company shall commence the construction of said road within two years from the passage of this act, and shall complete it within eight years, and a failure to comply with the provisions of this section shall forfeit their charter."

The ayes and nays being called for and ordered, there were
Ayes—5. Nays—8.
Those voting in the affirmative, were
Messrs Rankin, Noteware, Witter, Garcia and Mr Speaker.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Chaffee, Whittemore, Crocker, Barela and Chilcott.
So the section was not adopted.
Mr Witter offered the following as an additional section:

The company shall commence the construction of said road within five years from the passage of this act, and shall complete it within ten years, and a failue to comply with the provisions of this section shall forfeit this charter.

The ayes and nays being called for and ordered, there were
Ayes—3. Nays—10.
Those voting in the affirmative, were
Messrs Rankin, Witter and Mr Speaker.
Those voting in the negative were
Messrs Steele, Wilhite Scudder, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.
So the section was not adopted.
Mr Witter offered the following as an additional section:

The said company shall commence their wagon road within one year, and complete it within five years, or forfeit their charter.

The ayes and nays being called for and ordered, there were
Ayes—4. Nays—9.
Those voting in the affirmative were
Messrs Scudder, Rankin, Witter and Mr Speaker.
Those voting in the negative were
Messrs Steele, Wilhite, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

So the section was not adopted.
—Mr Witter offered the following as an additional section:

"The company shall commence the construction of said road within ten years from the passage of this act, and shall complete it within twenty years, and a failure to comply with the provisions of this act shall forfeit this charter."

Ayes and nays being called for and ordered, there were,
Ayes—5. Nays—8.
Those voting in the affirmative were
Messrs Wilhite, Rankin, Noteware, Witter and Mr Speaker.
Those voting in the negative, were

Messrs Steele, Scudder, Chaffee, Whittemore, Crocker, Barela Garcia and Chilcott.

So the section was not adopted.

Mr Witter offered the following as an additional section:

"The company shall commence the construction of said road within twenty years from the passage of this act, and shall complete it within fifty years, and on failure to do so they shall forfeit all right granted by the charter."

The ayes and nays being called for and ordered, there were

Ayes—4. Nays—9.

Those voting in the affirmative were

Messrs Wilhite, Rankin, Witter and Mr Speaker.

Those voting in the negative, were

Messrs Steele, Scudder, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

So the section was not adopted.

Mr Witter offered the following as an additional section:

"9, That the road shall be commenced within five years, and finish the same within one hundred years or forfeit their charter."

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative were

Messrs Wilhite, Rankin, Noteware, Witter and Mr Speaker.

Those voting in the negative were

Messrs Steele, Scudder, Chaffee, Whittemore, Crocker, Barela, Garcia and Chilcott.

So the section was not adopted.

Mr Witter offered the following as an additional section:

"Nothing in this act shall be so construed as to prevent any future Legislature from altering or amending this charter as they may think proper."

Ayes and nays being called for and ordered, there were

Ayes—4. Nays—9.

Those voting in the affirmative were

Messrs Rankin, Noteware, Witter and Mr Speaker.

Those voting in the negative, were

Messrs Steele, Wilhite, Scudder, Chaffee, Whittemore, Crocker, Barela, Garcia and Chilcott.

So the section was not adopted.

Mr Witter offered the following as an additional section:

Nothing in this act shall be so construed as to allow the company to infringe upon the rights of any other company incorporated by this Legislature.

The ayes and nays being called for and ordered, there were

Ayes—4. Nays—9.

Those voting in the affirmative were,

Messrs Rankin, Noteware, Witter and Mr Speaker.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Chaffee, Whittemore, Crocker, Barela, Garcia and Chilcott.
So the section was not adopted.
Mr Witter offered the following as an additional section:

That the company shall commence work on the road at some time and that they shall not infringe any rights previously existing.

The ayes and nays being called for and ordered, there were
Ayes—5. Nays—8.
Those voting in the *affirmative* were,
Messrs Wilhite, Rankin, Noteware, Witter and Mr Speaker.
Those voting in the negative were
Messrs Steele, Scudder, Chaffee, Whittemore, Crocker, Barela, Garcia and Chilcott.
So the section was not adopted.
Mr Rankin moved to lay the bill on the table.
Ayes—4. Nays—9.
Those voting in the affirmative, were
Messrs Rankin, Noteware, Witter and Mr Speaker.
Those voting in the negative were,
Messrs Steele, Wilhite, Scudder, Chaffee, Whittemore, Crocker, Barela, Garcia and Chilcott.
So the motion was lost.
Mr Crocker moved that the bill be considered read a third time and put upon its final passage.
The ayes and nays being called for and ordered, there were
Ayes—9. Nays—4.
Those voting in the affirmative, were
Messrs Steele, Wilhite, Scudder, Chaffee, Whittemore, Crocker, Barela, Garcia and Chilcott.
Those voting in the negative were
Messrs Rankin, Noteware, Witter and Mr Speaker.
So the motion prevailed.
Mr Witter moved that the bill be indefinitely postponed.
The ayes and nays being called for and ordered, there were
Ayes—4. Nays—9.
Those voting in the affirmative were
Messrs Rankin, Noteware, Witter and Mr Speaker.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Chaffee, Whittemore, Crocker, Barela, Garcia and Chilcott.
So the motion was lost.
The question recurring on the final passage of the bill, there were
Ayes—9. Nays—4.
Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Whittemore, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative, were

Messrs Rankin, Noteware, Witter and Mr Speaker.

So the bill passed.

Title agreed to.

Mr Chilcott was called to the chair.

Mr Holly, previous notice having been given, introduced H B No 185, a bill for An act to incorporate the Colorado Grand Lodge of Free and Accepted Masons.

Mr Holly moved that the bill be read a first and second time, and referred to the committee of the Whole.

The motion prevailed,

And the bill was so referred.

The House adjourned to 9 A. M. to-morrow.

House of Representatives,
Nov. 2, 1861.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs Steele, Wilhite and Noteware.

Mr Rankin moved a call of the House.

A call of the House being ordered, and Messrs Steele and Noteware found absent, the Sergeant-at-Arms was dispatched for the absentees.

After some time spent under the call, the Sergeant-at-Arms appeared and reported Mr Noteware in his seat.

Mr Chaffee moved that further proceedings under the call be dispensed with. Carried.

Mr Scudder, from committee on Printing, reported Thursday's Journal with corrections.

The report was received and adopted.

Mr Chilcott, from committee on Engrossment presented the following report:

Mr. Speaker:

Your committee on Engrossed Bills beg leave to report H B No. 100 and H B No 101 as correctly engrossed.

G. M. CHILCOTT, Chairman.

Mr Rankin asked and obtained leave of absence for one hour and one-half.

Mr Scudder moved that the consideration of H B No 47, with Council amendments, be postponed until Monday. Carried.

Mr Witter, previous notice having been given, introduced

H B No 186, a bill for An act making gold dust receivable for taxes, which was

Read first and second time, by its title,

Mr Whittemore obtained leave to introduce

H B No 187, a bill for An act to incorporate the Georgia Gulch and South Clear Creek wagon road company, which was

Read first and second time, by its title.

Mr Witter moved that H B No 186 be made the special order for this afternoon. Carried.

Mr Witter moved that H B No 187 be referred to the committee of the Whole.

H B No 101, a bill for An act to incorporate the Idaho and Missouri City wagon road company, was

Read third time.

The question recurring on the final passage of the bill, there were,

Ayes—8. Nays—3.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Witter, Crocker and Mr Speaker.

So the bill passed, and the

Title was agreed to.

H B No 100, a bill for An act to incorporate the Clear Creek wagon road company, was

Read third time.

The question recurring on the final passage of the bill, there were,

Ayes—8. Nays—3.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Crocker, Garcia and Chilcott.

Those voting in the negative were

Messrs Witter, Barela and Mr Speaker.

Messrs Rankin and Whittemore were excused from voting.

So the bill passed, and

Title was agreed to.

Mr Witter moved that the Printer be required to furnish the House with the Journal and Calendar before the opening of the session each morning. Carried.

C B No 36, a bill for An act for the protection of trout, was taken up and read by sections.

Mr Witter moved that the bill be indefinitely postponed.

Ayes and nays being called for and ordered, there were

Ayes—4. Nays—7.

Those voting in the affirmative, were

Messrs Noteware, Witter, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Chaffee, Crocker, Barela and Garcia.

So the motion was lost.
Mr Witter moved an additional section, as follows:

That the provisions of this act shall not apply to fish in any of the waters of the western slope of the mountains, or Left Hand or the waters of the Boulder Creeks.

The ayes and nays being called for and ordered, there were
Ayes 4. Nays 7.
Those voting in the affirmative were
Messrs Noteware, Witter, Chilcott and Mr Speaker.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Chaffee, Crocker, Barela and Garcia.
So the motion was lost.
The bill was read a third time.
The question recurring on the final passage of the bill, there were
Ayes—8. Nays—3.
Those voting in the affirmative were
Messrs Steele, Wilhite, Scudder, Chaffee, Crocker, Barela, Garcia and Chilcott.
Those voting in the negative were
Messrs Noteware, Witter and Mr Speaker.
So the bill passed and
Title was agreed to.
C B No 37, a bill for An act to prevent non-residents from importing into the Territory of Colorado, stock for grazing purposes,
Was taken up and read by sections.
Mr Witter moved to strike out section 3.
The ayes and nays being called for and ordered, there were
Ayes—3. Nays—8.
Those voting in the affirmative were
Messrs Scudder, Noteware and Crocker.
Those voting in the negative were
Messrs Steele, Wilhite, Chaffee, Witter, Barela, Garcia, Chilcott, and Mr Speaker.
Mr Witter changed his vote.

So the motion was lost.

Mr Witter moved that the vote given be reconsidered. Withdrawn.

Mr Scudder moved to refer C B No 37 to a select committee. Lost.

Mr Wilhite, from committee on Enrollment, presented the following report:

Mr Speaker:

Your committee on Enrollment would report the following bills correctly enrolled:

H B No 97, An act creating a lien in favor of mechanics in certain cases.

H B No 75, concerning judgments and executions.
H B No 39, concerning lost goods and estrays.*
H B No 120, concerning aliens.
H B No 43, to provide for recording contracts relating to land and for other purposes.
H B No 129, concerning oaths and affirmations.
J M No 2, for the establishment of a branch mint of the U. S. at Denver.

E. S. WILHITE, Chairman.

Mr Witter moved to amend C B No 37, in section 1, sixth line, by inserting before the word "said" the words "counties of Costilla and Guadaloupe in;" and in section 3, second line, insert after the word "of" the words "said counties of Costilla and Guadaloupe," and strike out the word "Territory;" also in fifth line, same section, strike out the word "Territory" and insert "counties."

The amendments were adopted.

Mr Witter moved that the bill be engrossed. Carried.

C B No 39, a bill for An act to incorporate St John's Church in the Wilderness was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—10. Nays—1.

Those voting in the affirmative were

Messrs Steele, Wilhite, Chaffee, Noteware, Whittemore, Witter, Barela, Garcia, Chilcott and Mr Speaker.

Mr Crocker voted in the negative.

So the bill passed, and the

Title was agreed to.

Mr Chaffee moved that all private bills among the general orders be referred to the committee of the Whole. Lost.

C B No 4, in relation to courts and recording offices heretofore established, and transfers of property heretofore made, was taken up and read by sections.

Mr Rankin moved to lay the bill on the table.

The ayes and nays being called for and ordered, there were

Ayes—7. Nays—5.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Witter, Crocker and Barela.

Those voting in the negative were

Messrs Chaffee, Noteware, Whittemore, Chilcott and Mr Speaker.

So the motion prevailed.

Mr Crocker, from committee of conference, presented the following report:

To the Hon. Speaker and Members of the House of Representatives of Colorado Territory:

The undersigned chairman of the House committee of conference would recommend that the amendments to section 7, of article VI, be stricken out, and the section to remain as in the original

bill, as the same has been amended by both Houses. The joint committee of conference agreed to the above by a vote of four to two.

Respectfully submitted,
GEO. F. CROCKER, Ch'n.

Mr Witter, from the same committee, made the following report:

To the House of Representatives of Colorado Territory:

MR. SPEAKER:—The undersigned, a majority of the committée of conference on the part of the House of H B No 87, beg leave to report that the said committee met the Council committee, and said committees could not agree; the undersigned not agreeing with the Council committee and the chairman of the House committee to pass the bill, with section 2, article VI, so amended as to fix the salary of the Territorial Auditor and Treasurer at seven hundred dollars each, with five per cent upon the amount of money received in the Treasury, the whole not to exceed twelve hundred dollars.

The undersigned, believing that the salary proposed by the amendment of the House, with the expenses and furniture of an office, is ample at least for the first year when there can be but little labor connected with said offices, would respectfully recommend that the House insist upon its amendment.

D. WITTER.
J. B. CHAFFEE.

On motion of Mr Chilcott,
The House adjourned to 10 A. M. Monday.

HOUSE OF REPRESENTATIVES,
November 4, 1861.

House met pursuant to adjournment.
Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—None.
Mr Scudder, from committee on printing, reported the daily Journal, of Nov. 1st, with corrections.

The report was adopted.

Mr Steele moved that the daily Journal of November 2nd be referred to committee on printing. Carried.

The committee on printing reported the Journal of November 2d as correct, which report was adopted.

Mr Crocker, from the committee on Judiciary reported H B No 188, a bill for An act concerning the penitentiary.

Mr Chilcott, from committee on Engrossment, made the following report:

Mr Speaker:—

Your committee on engrossed bills beg leave to report H B No 156, and C B No 37, as correctly engrossed.

G. M. CHILCOTT, Chairman.

Mr Rankin, from the select committee, made the following report:

Mr Speaker:—

Your committee, to whom was referred joint memorial No 6, would ask leave to report the same back to the House, and recommend its indefinite postponement.

Also, your committee, to whom was referred H B No 139, would report the same back to the House, without recommendation.

W. A. RANKIN, Chairman.

Mr Chaffee, from the committee of Conference, made the following report:

Mr Speaker:

The undersigned, Chairman of the House committee of Conference, would respectfully report, that the part of H B No 50 struck out by the Council is already provided for by the United States law, and the law of this Legislative Assembly, and therefore not necessary as in the bill, and would recommend that the House recede from its former action, and that the bill so amended become a law.

J. B. CHAFFEE, Ch'n.

Mr Scudder moved that the Council amendments to H B No 47, a bill for An act to incorporate the City of Denver, be not concurred in. Carried.

Mr Rankin moved that the report of the Chairman of the committee on Conference on H B No 87, a bill for An act to organize the Treasury Department, be adopted.

Mr Witter moved to amend that the other report be adopted.

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative, were

Messrs Steele, Chaffee, Whittemore, Witter and Mr Speaker.

Those voting in the negative were,

Messrs Wilhite, Scudder, Rankin, Noteware, Crocker, Barela, Garcia and Chilcott.

So the amendment was lost.

The question recurring on the motion of Mr Rankin, and

The ayes and nays being called for and ordered, there were

Ayes—8. Nays—4.

Those voting in the affirmative, were

Messrs Steele, Scudder, Rankin, Noteware, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were
Messrs Chaffee, Whittemore, Witter and Mr Speaker.
So the motion prevailed.
Mr Chaffee moved that the House recede from refussing to concur in Council amendments to H B No 50, a bill for An act to punish resistance to officers. Carried.
Mr Chilcott, previous notice having been given, introduced
H B No 189, a bill for An act to locate the Penitentiary of Colorado Territory, which was
Read first and second time.
Mr Chaffee obtained leave to introduce H B No 190, a bill for An act concerning clerks of the courts, which was read a first and second time.
H B No 188, was
Read first and second time.
C B No 37, a bill for An act to prevent non-residents from importing into the Territory of Colorado, stock for grazing purposes, was
Read third time.
The question recurring on the final passage of the bill, there were
Ayes 10. Nays 1.
Those voting in the affirmative were
Messrs Steele, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
Mr Scudder voted in the negative.
So the bill passed, and
Title was agreed to.
H B No 156, a bill for An act to incorporate the Cash Creek and Lake Park ditch company, was
Read a third time.
The question recurring on the final passage of the bill, there were,
Ayes—10. Nays—1.
Those voting in the affirmative were
Messrs Steele, Scudder, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
Mr Witter voted in the negative.
So the bill passed, and the
Title was agreed to.
H B No 186, a bill for An act making gold dust receivable for taxes,
Which was the special order of the day, was taken up.
Mr Scudder moved that 1st blank in section I, fixing the price of Tarryall dust be filled with $18. Carried.
Mr Scudder moved to fill the blank, fixing the price of Georgia and Humbug Gulch gold with $18.
Mr Crocker moved to amend by inserting $16.
The ayes and nays being called for and ordered, there were
Ayes—10. Nays—3.
Those voting in the affirmative were
Messrs Steele, Wilhite, Rankin, Chaffee, Whittemore, Witter, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Scudder, Noteware and Mr Speaker.

So the amendment prevailed, and the motion as amended was adopted.

Mr Noteware moved that the blanks relating to South Clear Creek and Platte River gold be filled with $18.

The ayes and nays being called for and ordered, there were

Ayes—10. Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Witter, Barela, Garcia, Chilcott and Mr Speaker.

Those voting the negative were

Messrs Rankin, Whittemore and Crocker.

So the motion prevailed.

Mr Steele moved to fill the blank relating to Arkansas River gold with $18.

Mr Whittemore moved to amend by filling all the blanks relating to gulch gold with $18.

The ayes and nays being called for and ordered, there were

Ayes—6. Nays—7.

Those voting in the affirmative were

Messrs Wilhite, Scudder, Whittemore, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Steele, Rankin, Chaffee, Noteware, Witter, Crocker and Barela.

So the amendment was lost.

The question recurring on the motion of Mr Steele, and

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative were

Messrs Steele, Wilhite, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker and Barela.

So the motion was lost.

Mr Scudder moved that the bill be indefinitely postponed.

Mr Witter moved to amend so that the bill be referred to a select committee.

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative were

Messrs Steele, Noteware, Witter, Garcia and Chilcott.

Those voting in the negative were

Messrs Wilhite, Scudder, Rankin, Chaffee, Whittemore, Crocker, Barela and Mr Speaker.

So the amendment was lost.

The question recurring on the motion of Mr Scudder, and

The ayes and nays being called for and ordered, there were

Ayes—8. Nays—5.

Those voting in the affirmative were

Messrs Wilhite, Scudder, Rankin, Chaffee, Whittemore, Crocker, Barela and Garcia.

Those voting in the negative, were

Messrs Steele, Noteware, Witter, Chilcott and Mr Speaker.

So the motion prevailed.

Mr Wilhite from committee on Enrollment presented the following report:

Mr Speaker:

Your committee on Enrollment would report the following bills correctly enrolled, to-wit:

H B No 19, concerning practice in civil cases;

H B No 56, to protect and regulate the irrigation of lands;

H B No 118, to provide for the stay of procedure on foreign indebtedness;

H B No 36, concerning imprisonment for debt;

H B No 119, concerning jurors;

H B No 41, concerning criminal jurisprudence;

Also, H B No 11, to locate the seat of government of Colorado Territory.

E. S. WILHITE, Ch'n.

C B No 45, to protect the rights of married women, was taken up and read by sections.

Mr Crocker moved that the bill be indefinitely postponed.

The ayes and nays being called for and ordered, there were

Ayes—4. Nays—7.

Those voting in the affirmative were

Messrs Chaffee, Noteware, Whittemore and Crocker.

Those voting in the negative, were

Messrs Steele, Wilhite, Witter, Barela, Garcia, Chilcott and Mr Speaker.

Messrs Garcia and Barela changed their votes.

So the motion was lost.

Mr Crocker raised a point of order that the bill had been once indefinitely postponed, and the same subject matter could not again be entertained this session.

The chair asked time to consider the question which was granted.

The following messages from the Council were received and read:

COUNCIL CHAMBER,
Nov. 4, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed

H B No 61, An act concerning partition of real estate;

H B No 64, An act concerning the Park Junction and Georgia and French Gulch road company;

H B No 94, An act concerning construction of statutes;
H B No 147, An act relating to the commitment of prisoners;
H B No 60, An act concerning guardian and ward;
Without amendment.

Also, Council receded from its amendments to H B No 108, An act regulating elections.

S. L. BAKER, Sec'y of the Council.

COUNCIL CHAMBER,
Nov. 1, 1861.

Mr Speaker:—

I am instructed by the Council to inform the House, that the Council has appointed Messrs Mather, Steck and Graham a committee of conference on the part of the Council, to confer with a like committee of the House, on C B No 17, and H B No 106, An act concerning divorces and alimony.

Also, Council has passed H B No 99, An act granting the exclusive right to Joseph M. Jacques and Joseph V. Garcia to maintain a ferry across the Rio Grande at Paso del Puerto.

Also, J R No 4, Joint resolution relative to a Territorial seal;

Hlso, H B No 125, An act to establish a Territorial library and cabinet, without amendment;

Also, C B No 49, An act to incorporate the Arkansas hydraulic and milling company, and respectfully ask your concurrence therein.

S. L. BAKER,
Sec. of the Council.

Mr Witter moved to adjourn to 2 P. M.

Mr Wilhite moved to amend by adjourning to 1½ P. M.

Ayes and nays being called for and ordered, there were

Ayes—6. Nays—6.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Rankin, Witter, Barela and Garcia.

Those voting in the negative, were

Messrs Chaffee, Noteware, Whittemore, Crocker, Chilcott and Mr Speaker.

So the amendment was lost.

The question recurring on the motion of Mr Witter, and

The ayes and nays being called for and ordered, there were

Ayes—6. Nays—6.

Those voting in the affirmative were

Messrs Steele, Wilhite, Rankin, Witter, Barela and Garcia.

These voting in the negative were

Messrs Chaffee, Noteware, Whittemore, Crocker, Chilcott and Mr Speaker.

So the motion was lost.

Mr Rankin asked and obtained leave to introduce Joint Memorial No 7, A memorial for a daily mail from Denver to Central City.

Mr Rankin gave notice that on to-morrow, or some subsequent day, he would introduce a bill for An act to provide for the payment of the expenses of the first election held in the Territory of Colorado.

C B No 46, An act to protect the mining claims and property of soldiers, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—12. Nays—0.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed and the

Title was agreed to.

Mr Steele, from special committee, made the following report:

Mr. Speaker:

Your committee, to whom was referred H B No 111, An act to establish a legal tender for the Territory of Colorado, would ask leave to make the following report:

That they have had the same under consideration, and would offer the following as a substitute and recommend its passage, and that H B No 111 be indefinitely postponed.

DANIEL STEELE, Ch'n.

Mr Chaffee moved that Joint Memorial No 7 be read a first and second time.

The motion prevailed, and the bill was read accordingly and ordered engrossed.

Mr Chaffee moved that the private bills among the general orders be referred to the committee of the Whole. Carried.

On motion of Mr Witter,

The House adjourned to 2 P. M.

AFTERNOON SESSION.

2 O'CLOCK P. M.

Speaker in the chair.

Mr Chaffee moved a call of the House.

A call of the House being ordered, and Mr Rankin found absent, the Sergeant-at-arms was dispatched for the absentee.

After some time, the Sergeant-at-arms appeared and reported Mr Rankin in his seat.

Mr Chaffee moved that further proceedings under the call be dispensed with. Carried.

The Assistant Secretary of the Council appeared and delivered the following:

Messages from the Council:

COUNCIL CHAMBER,
November 4, 1861.

Mr Speaker:—

I am instructed by the Council to inform the House that the Council has passed

C B No 41, An act to incorporate the Bank of Colorado.

C B No 43, An act to incorporate the Breckinridge, Buckskin Joe and Hamilton wagon road company.

C B No 44, An act to incorporate the Spanish Bar wagon road company.

C B No 15, An act to incorporate the Silver Spring mining company.

C B No 52, An act granting exclusive right to Charles Autbees to maintain a ferry across the Arkansas River.

And respectfully ask your concurrence therein.

S. L. BAKER,
Secretary of Council.

COUNCIL CHAMBER,
November 4, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed

H B No 149, An act supplementary to An act entitled An act concerning judgments and executions, without amendment.

Also, H B No 128, An act concerning fugitives from justice; amended in section 3 as follows:

Striking out the words "two foregoing," in second line, and inserting in its place the words, "last preceding."

Also, H B No 124, An act to prevent the introduction of animals for the purpose of grazing, within certain limits; without amendment.

Also, H B No 136, An act concerning county jails; without amendment.

Also, H B No 105, An act concerning legal advertisements; without amendment.

Also, H B No 123, An act concerning joint rights and obligations; without amendment.

Also, H B No 130, An act to provide for vacancies in the Legislature; amended as follows:

Section 1, striking out the words "general" and "in," in second line, and inserting the words "Legislature" and "during."

Also, H B No 29, An act to incorporate the Camp Weld and Denver ditch and water company; amended by striking out the words "C M Curtis" and "City of Denver. Also adding section 9, as follows:

"The capital stock of said company shall be twenty-four thousand dollars, to be divided into shares of not less than one hundred dollars each."

And your concurrence is respectfully requested.

S. L. BAKER, Secretary.

COUNCIL CHAMBER,
November 4, 1861.

Mr. Speaker:

I am instructed by the Council to inform the House that the Council has passed the following bills:

H B No 132, An act regulating proceedings on writs of *habeas corpus*, amended by striking out section 8. Also, amending section 17, by striking out all the section after the word "costs," in fifth line, and inserting the words "in the name of the Territory by every person aggrieved."

Also, H B No 122, An act concerning ejectments, amended by striking out section 47.

Also, H B No 88, An act providing for the collection of the revenue, amended as follows:

Sec 1, by substituting the words "Board of County Commissioners," in the place of the word, "County Court," in this and succeeding sections, wherever they occur.

Also, sections 18 and 19, by striking out the words "mining claims," wherever they occur.

Also, in same sections, by striking out the words "number and value of mining claims."

Also, amending 4th line in same clause so as to read, "the value of improvements on ranch and farming claims."

Also, amending section 19, by inserting after the words "census board," the words "which shall consist of the County Commissioners, the County Clerk and Treasurer."

Also, striking out the words "County Judge," and inserting the words "County Clerk."

Also, amending section 39, by striking out all the words between the words "taxation" and "Treasurer," in 3d line, and inserting the words "to attend in such township or district at the time and place appointed by the."

Also, amending section 35 by amending as follows:

"It shall be the duty of the collector of taxes to visit each township or district in his county, to receive and receipt for taxes, and the taxes shall also be all collected and returned to the Territorial Treasurer's office, before the 15th day of June."

And respectfully ask your concurrence therein.

The Council has also passed H B No 126, An act concerning injunctions,

Without amendment.

S. L. BAKER,
Secretary of Council.

On motion of Mr Wilhite the House resolved itself into committee of the Whole, upon the general file.

Mr Wilhite in the chair.

During the sitting of the committee of the Whole a message from the Council was announced.

Whereupon the Speaker resumed the chair, and

The Assistant Secretary delivered the following message:

Message from the Council:

COUNCIL CHAMBER,
November 4, 1861.

Mr. Speaker:

I am instructed to inform the House that the Council has receded from its amendment to article 6, section 2, of

H B No 87, a bill for An act to organize and establish the Treasury Department.

S. L. BAKER,
Secretary of the Council.

Mr Wilhite resumed the chair, as Chairman of the committee of the Whole.

After some time spent therein, the committee rose, and through their Chairman, Mr Wilhite, reported as follows:

The committee of the Whole have had under consideration

H B No 95, a bill for An act empowering certain persons to erect and keep a dam across the Arkansas River, which was amended by striking out the name "T. J. Cooper," in section 1, and inserting "Matt Riddlebarger," and in section 3 by striking out "five miles" and inserting "twenty-five miles," and recommended its passage.

Also, H B No 144, a bill for An act to incorporate the Boulder Benevolent ditch company; and

H B No 154, a bill for An act to incorporate the St Vrain ditch company, and recommended their reference to a special committee.

Also, H B No 145, a bill for An act to incorporate the Accidental tunnel and mining company, and recommended its passage.

Also, H B No 152, a bill for An act to incorporate the Buckskin Joe ditch company, which was amended in section 3 by striking out "five years," and inserting "ten years," and recommended its passage.

Also, H B No 153, a bill for An act to incorporate the Davidson ditch company, and recommended its indefinite postponement.

Also, H B No 142, a bill for An act to incorporate the Colorado oil company, and recommended its passage.

Also, H B No 54, a bill for An act to incorporate the Denver, Golden Gate and Gregory road company, which was amended in section 2 by striking out "twenty years," and inserting "five years," and striking out the words "connecting with the Enterprise road," and recommended that it be made the special order for to-morrow at 10 o'clock.

E. S. WILHITE, Chairman.

Mr Chilcott, from committee on Engrossment, presented the following report:

Mr Speaker:

Your committee on Engrossed Bills beg leave to report J M No. 7 as correctly engrossed.

G. M. CHILCOTT, Chairman.

On motion of Mr Chaffee,
The House adjourned to 7 P. M.

EVENING SESSION.

7 O'CLOCK P. M.

Speaker in the chair.

The chair decided that the point raised by Mr Crocker, on C B No 45, a bill for An act to protect the rights of married women, a similar one having been rejected by the House, was not well taken.

Mr Crocker appealed from the decision of the chair.

The question recurring on sustaining the decision of the chair, there were

Ayes—9. Nays—3.

Those voting in the affirmative were,

Messrs Steele, Wilhite, Scudder, Rankin, Whittemore, Witter, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Chaffee, Noteware and Crocker.

So the decision of the chair was sustained.

Mr Wilhite moved that the bill be considered read a third time.

The ayes and nays being called for and ordered, there were

Ayes—8. Nays—5.

Those voting in the affirmative were

Messrs Steele, Wilhite, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Scudder, Rankin, Chaffee, Noteware and Whittemore.

So the motion prevailed.

The question recurring on the final passage of the bill, there were

Ayes—6. Nays—7.

Those voting in the affirmative were

Messrs Steele, Wilhite, Witter, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker and Barela.

So the bill did not pass.

Mr Scudder moved to take from the table C B No 4, in relation to courts and recording offices heretofore established and transfers of property heretofore made. Carried.

The bill was taken up and read by sections.

Mr Steele moved that the bill be laid on the table. Carried.

Mr Crocker moved that the Council Bills received to-day be read a first and second time. Carried.

C B No 15, a bill for An act to incorporate the Silver Spring mining company, was

Read first and second time, by its title.

Also, C B No 41, a bill for An act to incorporate the Bank of Colorado.

Also, C B No 43, a bill for An act to incorporate the Breckinridge, Buckskin Joe and Hamilton wagon road company.

Also, C B No 44, a bill for An act to incorporate the Spanish Bar wagon road company.

Also, C B No 49, a bill for An act to incorporate the 'Arkansas, Hydraulic and Milling company.

Mr Witter moved that the bills just read be referred to the committee of the Whole. Lost.

Mr Rankin moved to take from the table H B No 121, a bill for An act concerning the District and Supreme Courts. Carried.

The bill was accordingly taken up and read by sections.

Mr Chilcott moved to amend section 3, by striking out "Canon City" and inserting "Pueblo."

The ayes and nays being called for and ordered, there were

Ayes—12. Nays—1.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Mr Rankin voted in the negative.

So the motion prevailed.

Mr Chaffee moved that the bill be considered read a third time.

The ayes and nays being called for and ordered, there were

Ayes—8, nays—5.

Those voting in the affirmative were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Crocker, Barela and Garcia.

Those voting in the negative were

Messrs Wilhite, Whittemore, Witter, Chilcott and Mr Speaker.

So the motion prevailed.

The question recurring on the final passage of the bill there were

Ayes—8. Nays—5.

Those voting in the affirmative were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Crocker, Barela and Garcia.

Those voting in the negative were

Messrs Wilhite, Whittemore, Witter, Chilcott and Mr Speaker.

So the bill passed.

Title agreed to.

On motion of Mr Witter, the House resolved itself into committee of the Whole upon the general file.

Mr Witter in the chair.

After some time spent therein, the committee rose and reported as follows:

Mr Speaker:

The committee of the Whole have had under consideration the following bills, viz:

C B No 27, a bill for An act to incorporate the Gold Spring Valley road company, which was reported back with the recommendation that it be made the special order for to-morrow.

H B No 159, to incorporate the Central City and Georgetown road company, which was amended by adding the following additional sections:

"It shall not be lawful for any gate-keeper to collect toll on said road, whenever said road is not in a good, fair, passable condition for loaded wagons; and any gate-keeper, so demanding and receiving toll, shall forfeit and pay the sum of ten dollars, to be collected as an action of debt."

And in section 6, eleventh line, strike out the words "one dollar," and insert the words "seventy-five cents," and with these amendments the bill was reported back and its passage recommended.

H B No 163, to establish a ferry across the Rio Grande del Norte, at La Loma del Norte, which was amended by striking out "ten" in section 1, and inserting "two and a-half;" and by striking out "twenty" and inserting "ten," in section 3; and by striking out "fifteen" and inserting "ten," in section 4.

H B No 164, relative to a ferry across the Rio Grande del Norte, which was amended by striking out the words "ten miles above and five" and insert "two and a-half miles above and," in section 1;

And strike out "twenty" and insert "ten," in section 3;

And strike out "fifteen" and insert "ten," in section 4;

And with these amendments, the bill was reported back with the recommendation that it pass.

H B No 165, to incorporate the Park City saline manufacturing company, which was reported back, and its indefinite postponement recommended.

DAN'L WITTER, Chairman.

Mr Crocker moved that the report of the committee of the Whole, made this afternoon and this evening, with the exception of that part on H B No 165, be adopted. Carried.

Mr Witter moved that the rules be suspended, that he might introduce a joint resolution.

Ayes and nays being called for and ordered, there were

Ayes—6. Nays—6.

Those voting in the affirmative, were

Messrs Noteware, Witter, Crocker, Barela, Chilcott and Mr Speaker.

Those voting in the negative, were

Messrs Steele, Wilhite, Scudder, Chaffee, Whittemore and Garcia.

So the motion was lost.

On motion of Mr Chilcott,
The House adjourned to 9 A. M. to-morrow.

House of Representatives,
November 5th, 1861.

House met pursuant to adjournment.
Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—Messrs Steele, Rankin and Noteware.

The following message from the Governor was received and read:

Executive Department, Colorado Territory,
Denver, November 4th, 1861.

To the Speaker of the House of Representatives:

Sir:—I have approved and signed acts, entitled:
An act to provide for recording contracts relating to lands and for other purposes.
An act concerning aliens.
An act concerning oaths and affirmations.
An act concerning lost goods and estrays.
An act concerning judgments and executions.
An act creating a lien in favor of mechanics in certain cases.
Joint Memorial for branch mint.

Very respectfully,
WILLIAM GILPIN,
Governor of Colorado Territory.

Mr Wilhite, from committee on enrollment, made the following report:

Mr Speaker:—

Your committee on Enrollment report H B No 50, An act to prevent and punish resistance to officers, and An act concerning injunctions,
Correctly enrolled.

E. S. WILHITE, Chairman.

Mr Barela offered the following resolution:

Resolved, That the Secretary of the Territory be and he is hereby requested to have the number of copies of the statute book that are or may be allotted to Conejos and Costilla counties, printed in both the English and Spanish languages. And that this House would recommend Mr C. Dominguez as a competent person to make the translation of the same.

Adopted.

Mr Witter introduced a Joint Resolution appointing a committee to examine and revise the laws and report to the next Legislature.

The resolution was adopted.

Mr Crocker asked and obtained leave to introduce H B No 191, a bill for An act to incorporate the Oro City and Washington Gulch road company, which was

Read first time.

Mr Whittemore asked and obtained leave to introduced Joint Memorial to Congress in relation to a wagon road, railroad, and telegraph to the Pacific, which was

Read first time.

C B No 52, a bill for An act granting an exclusive right to Chas, Autbees to maintain a ferry across the Arkansas River, was

Read first time.

The following bills were

Read a second time:

C B No 52 H B No 191 and Joint Memorial No 8.

Joint Memorial No 7, relative to a daily mail from Denver to Mountain City, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—12. Nays—0.

Those voting in the affirmative, were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the memorial passed, and the

Title was agreed to.

Mr Crocker moved that the Daily Journal be referred to committee on printing. Carried.

Special orders of the day, H B No 54, a bill for An act to incorporate the Denver, Golden Gate and Gregory road company, and C B No 27, a bill for An act to incorporate the Cold Spring Valley road company, were taken up.

Mr Crocker moved to amend H B No 54, in section 2, by striking out the words "Michigan House" and subsequent words and insert "Robinson House at the head of Tucker's Canon."

Also, in section 7 strike out "one dollar" and insert "fifty cents" and strike out "twenty-five cents" and insert "ten cents."

The amendment was adopted.

Mr Witter moved that the bill be engrossed for a third reading. Carried.

Mr Witter moved to lay C B No 27, on the table. Carried.

Mr Scudder, from committee on printing, reported the daily Journal with corrections.

The report was adopted.

Mr Speaker announced as committee of conference on the part of House(to confer with a like committee of the Council on C B No 17, and H B No 106, An act concerning divorces and alimony, Messrs Crocker, Chaffee and Witter.

Also, Messss Noteware, Chilcott and Steele as special committee

on H B No 144, a bill for An act to incorporate the Boulder benevolent ditch company, and H B No 154, a bill for An act to incorporate the St Vrain ditch company.

The following message from the Council was received

COUNCIL CHAMBER,
Nov. 5, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council insists on its amendments to

H B No 47, An act to incorporate the City of Denver.

Also, that the Council has passed C B No 8, a bill for An act to incorporate the Eldorado mining company."

Also, H B No 158, concerning licenses," amended as follows:

Section 21, insert in 2nd line after the word "debt," the words "or by indictment."

Also, H B No 92, An act to incorporate the Bear Canon road company, amended as follows:

Section 2, strike out all after the word "Territory." Strike out section 8 and insert in place thereof as follows:

"Nothing in the provisions of this act shall be so construed as to give to the incorporators mentioned in this act, their heirs or assigns the right to control in any manner or collect toll upon any road or part of road now free or built in whole or in part by other persons."

Also, H B No 93, An act to incorporate the St. Vrain, Altona, Boulder mines and Gregory road company, amended as follows:

Strike out in section 3 the words "Mountain City," and insert in place thereof "Gold Dirt."

Also, that the following be added as an additional section:

"Nothing in the provisions of this act shall be so construed as to give to the incorporators named in this act, their heirs or assigns, the right to control in any manner, or collect toll upon any road or part of road now free or owned and built in whole or in part by other persons."

And respectfully ask your concurrence therein.

S. L. BAKER,
Sec. of the Council.

Mr Chilcott was called to the chair.

Mr Witter moved to concur in the amendments reported in the above bills.

Mr Holly moved to amend, by excepting the amendments to H B No 92, and H B No 93, and that the House do not concur in those amendments.

The ayes and nays being called for and ordered, there were

Ayes—11. Nays—1.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Holly and Mr Speaker *pro tem.*

Mr Rankin voted in the negative.
Mr Chaffee was excused from voting.
So the amendment prevailed, and the motion as amended wa adopted.
Mr Holly moved to appoint a committee of conference upon H] No 92, and H B No 93. Carried.
The chair announced as such committee,
Messrs Holly, Chaffee and Witter.
Mr Chaffee offered the following resolution:

Resolved, That rule 17 be suspended during the balance of thi session.

Mr Holly moved to amend the resolution, by making the su pension refer only to bills of a general character. Lost.
The resolution was adopted.
Mr Noteware moved to concur in the amendments to H B No 2 An act to incorporate the Camp Weld and Denver ditch and wate company.
Mr Witter moved to concur in the amendment to H B No 13(An act to provide for vacancies in the Legislature.
Mr Chaffee moved to concur in the amendments to H B No 12 An act concerning fugitives from justice.
Mr Holly moved to concur in the amendment to H B No 13 An act regulating proceedings on writs of *habeas corpus*, with a amendment by striking out all of section 17 only after the wor "nor."
The ayes and nays being called for and ordered, there were,
Ayes—5. Nays—8.
Those voting in the affirmative were
Messrs Steele, Wilhite, Barela, Holly and Mr Speaker *pro tem.*
Those voting in the negative, were
Messrs Scudder, Rankin, Chaffee, Noteware, Whittemore, Wi tter, Crocker and Garcia.
So the motion was lost.

Mr Witter moved to concur. Carried.
Mr Noteware moved to concur in the amendments to H B No 8 An act providing for the collection of the revenue. Carried.
Mr Crocker moved to concur in the amendments to H B No 12 An act concerning ejectments.

Mr Crocker moved to concur in the amendments to H B No 15 a bill for An act concerning licenses. Carried.
Mr Noteware asked and obtained leave to introduce H B No 19 a bill for An act concerning the service of process.
Mr Crocker moved that the bill be put upon its three sever readings and final passage. Carried.
The bill was accordingly read three times.

The question recurring on the final passage of the bill, there we
Ayes—13. Nays—0.
Those voting in the affirmative, were
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Notewar

Whittemore, Witter, Crocker, Barela, Garcia, Holly and Mr Speaker *pro tem.*

So the bill passed, and the

Title agreed to.

Mr Holly moved that all bills on the general orders, which had not been in committee of the Whole, be referred to committee of the Whole. Carried.

Substitute for H B No 111, a bill for An act to establish a legal tender for the Territory of Colorado, was

Read third time.

Mr Holly moved the following as an additional section:

"That gold dust or retorted gold dust shall also be a legal tender, the same as coin as before provided, at the current rate at which such dust shall pass in the business transactions of this Territory.

Mr Chaffee moved—strike out after the word "at," and insert "coin rates."

The ayes and nays being called for and ordered, there were

Ayes—3. Nays—9.

Those voting in the affirmative, were

Messrs Steele, Chaffee and Crocker.

Those voting in the negative were

Messrs Wilhite, Scudder, Noteware, Whittemore, Witter, Barela, Garcia, Holly and Mr Speaker *pro tem.*

So the amendment was lost.

The question recurring on the motion of Mr Holly, and

The ayes and nays being called for and ordered, there were

Ayes—9. Nays—3.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Barela, Garcia, Holly and Mr Speaker *pro tem.*

Those voting in the negative were

Messrs Chaffee, Witter and Crocker.

So the section was adopted.

The question recurring on the final passage of the bill, there were,

Ayes—7. Nays—6.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Noteware, Barela, Garcia and Holly.

Those voting in the negative were

Messrs Rankin, Chaffee, Whittemore, Witter, Crocker and Mr Speaker *pro tem.*

So the bill passed, and

Title was agreed to.

Mr Chaffee moved to lay H B No 139, a bill for An act to incorporate the Iowa ditch company, on the table.

The ayes and nays being called for and ordered, there were

Ayes—4. Nays—9.

Those voting in the affirmative were

Messrs Rankin, Chaffee, Witter and Barela.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Crocker, Garcia, Holly and Mr Speaker *pro tem.*

So the motion was lost.

Mr Crocker moved to amend section 2 of the bill by striking out the word "exclusive," and by striking out "ten years" and inserting "five years." Carried.

The bill was read a third time.

The question recurring on the final passage of the bill, there were,

Ayes—9. Nays—4.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Barela, Garcia, Holly and Mr Speaker *pro tem.*

Those voting in the negative were

Rankin, Chaffee, Witter and Crocker.

So the bill passed.

Title agreed to.

The Speaker resumed the chair.

H B No 95, a bill for An act empowering certain persons to erect and keep a dam across the Arkansas River, was

Read third time.

Mr Chaffee moved to reconsider the vote by which section 1 was amended by changing "five miles" to twenty-five miles."

On motion of Mr Noteware,

The House adjourned to 2 P. M.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

Mr Wilhite in the chair.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, COLORADO TER.
Denver, Nov. 5, 1861.

To the Speaker of the House of Representatives:—

SIR:—I have approved and signed acts entitled

An act concerning criminal jurisprudence.

An act to protect and regulate the irrigation of lands.

An act concerning imprisonment for debt.

An act to prevent and punish resistance to officers.

An act concerning injunctions.

An act concerning jurors.

An act concerning practice in civil cases.

Very respectfully,
WILLIAM GILPIN,
Governor of Colorado Territory.

The question recurring on the amendment to H B No 95, strik-

ing out "five," and inserting "twenty-five," which was reconsidered and pending, it was not adopted.

Mr Holly moved to amend the last section by adding:

"*Provided*, That the franchises granted by this charter shall continue and be in force for ten years, and no longer."

The amendment was adopted.

Mr Rankin moved to strike out the word "exclusive," wherever it occurs in the bill.

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative were

Messrs Rankin, Chaffee, Whittemore, Witter and Crocker.

Those voting in the negative were

Messrs Steele, Holly, Scudder, Noteware, Barela, Garcia, Chilcott and Mr Speaker *pro tem.*

So the motion was lost.

Mr Holly moved that the bill be considered read a third time. Carried.

Mr Holly moved to amend the bill by striking out section 3, and inserting in lieu thereof, another, similar, excepting by inserting after the word "stream," and before the word "within," the words "which shall in any respect infringe or impair any of the rights hereby granted."

Mr Crocker moved to amend by striking out in section 3, from the word "within," in 3d and 4th lines, and insert, "such a distance as to interfere with or injure their dam."

The ayes and nays being called for and ordered, there were

Ayes—6. Nays—7.

Those voting in the affirmative, were

Messrs Scudder, Rankin, Chaffee, Whittemore, Witter and Crocker.

Those voting in the negative were

Messrs Steele, Holly, Noteware, Barela, Garcia, Chilcott and Mr Speaker *pro tem.*

So the amendment was lost.

The question recurring on the motion of Mr Holly, and

Ayes and nays being called for, and ordered, there were,

Ayes—11. Nays—2.

Those voting in the affirmative were

Messrs Steele, Holly, Scudder, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative, were

Messrs Rankin and Mr Speaker *pro tem.*

So the motion prevailed.

The question recurring on the final passage of the bill, there were,

Ayes—7. Nays—6.

Those voting in the affirmative, were

Messrs Steele, Holly, Noteware, Barela, Garcia, Chilcott and Mr Speaker *pro tem.*

Those voting in the negative were

Messrs Scudder, Rankin, Chaffee, Whittemore, Witter and Crocker.

So the bill passed, and the

Title was agreed to.

Mr Witter, from select committee, made the following report:

Mr Speaker:

The select committee to whom was referred C B No 11, An act declaratory of the rights of occupants of the public domain, except as against the United States, have had the same under consideration, and beg leave to report the same back, with the following amendment: In section 2, 2d line, after the word "domain," insert "except mining claims." Also, in section 6, 3d line, after the word "domain," insert "except mining claims."

And with these amendments would recommend that the bill pass,

D. WITTER, Ch'n.
W. A. RANKIN.
G. M. CHILCOTT.

Mr Noteware moved that the report be adopted. Carried.

C B No. 11, a bill for An act declaratory of the rights of occupants of the public domain, except as against the United States,

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—10. Nays—2.

Those voting in the affirmative were

Messrs Steele, Holly, Scudder, Rankin, Noteware, Whittemore, Witter, Barela, Chilcott and Mr Speaker *pro tem.*

Those voting in the negative were

Messrs Chaffee and Crocker.

So the bill passed and the

Title agreed to.

Mr Chaffee, from committee on Incorporations, reported back C B No 32, a bill for An act to incorporate wagon road companies, without recommendation.

Mr Rankin moved that the House insist upon its refusal to concur in the Council amendment to H B No. 47, a bill for An act to incorporate the city of Denver. Carried.

Mr Scudder moved to reconsider the vote by which the motion was just adopted. Carried.

Mr Scudder moved to concur in the Council amendments to H B No 47, by striking out all of said amendments, and insert the following as a substitute therefor:

To amend section 1, of article IV, by inserting in the third line, after the word "one," following the word "Mayor," these words:—"Justice of the Peace, to be denominated,"

Also, by adding to article VIII, the following as an additional section (17), to-wit:

"The police magistrate shall have jurisdiction in all cases of violation of the city ordinances, and shall have the same jurisdiction,

in all civil and criminal proceedings, as is now or shall hereafter be conferred upon other justices of the peace of this Territory; and in all courts of this Territory, said police magistrate shall be held to be a justice of the peace, but no change of venue shall be allowed from said police magistrate to any other justice of the peace, for hearing and determination, in any case where proceedings shall be commenced against any person or persons, for the violation of any city ordinance."

Also, by adding to article VIII, the following as an additional section, (18), to-wit:

"This act shall take effect and be in force from and after its passage."

The motion of Mr Scudder prevailed.

Mr Chilcott, from committee on Engrossment, made the following report:

Mr Speaker:—

Your committee on engrossed bills, beg leave to report H B No 54, as correctly engrossed.

G. M. CHILCOTT, Chairman.

H B No 145, a bill for An act to incorporate the Accidental tunnel and mining company, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes 7. Nays 5.

Those voting in the affirmative were

Messrs Steele, Holly, Noteware, Barela, Garcia, Chilcott and Mr Speaker *pro tem.*

Those voting in the negative, were

Messrs Scudder, Rankin, Chaffee, Witter and Crocker.

So the bill passed, and

Title was agreed to.

H B No 152, a bill for An act to incorporate the Buckskin Joe ditch company, was

Read a third time.

The question recurring on the final passage of the bill, there were

Ayes—7. Nays—6.

Those voting in the affirmative, were

Messrs Steele, Noteware, Whittemore, Witter, Crocker, Chilcott, and Mr Speaker *pro tem.*

Those voting in the negative, were

Messrs Holly, Scudder, Rankin, Chaffee, Barela and Garcia.

So the bill passed.

Title agreed to.

HB No 142, a bill for An act to incorporate the Colorado oil company, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—7. Nays—6.

Those voting in the affirmative were

Messrs Steele, Holly, Rankin, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Scudder, Chaffee, Noteware, Whittemore, Witter and Mr Speaker *pro tem.*

So the bill passed and

Title was agreed to.

H B No 159, to incorporate the Central City and Georgetown road company, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—10. Nays—3.

Those voting in the affirmative, were

Messrs Steele, Holly, Scudder, Chaffee, Noteware, Whittemore, Barela, Garcia, Chilcott and Mr Speaker *pro tem.*

Those voting in the negative were

Messrs Rankin, Witter and Crocker.

So the bill passed and the

Title was agreed to.

H B No 163, to establish a ferry across the Rio Grande del Norte at La Loma del Norte, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—10. Nays—3.

Those voting in the affirmative were

Messrs Steele, Holly, Scudder, Rankin, Noteware, Crocker, Barela, Garcia, Chilcott and Mr Speaker *pro tem.*

Those voting the negative were

Messrs Chaffee, Whittemore and Witter.

So the bill passed, and

Title agreed to.

H B No 164, relative to a ferry across the Rio Grande del Norte, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—11. Nays—2.

Those voting in the affirmative were

Messrs Steele, Holly, Scudder, Rankin, Chaffee, Noteware, Whittemore, Barela, Garcia, Chilcott and Mr Speaker *pro tem.*

Those voting in the negative were

Messrs Witter and Crocker.

So the bill passed.

Title agreed to.

Mr Barela moved to indefinitely postpone H B No 165, to incorporate the Park City saline manufacturing company.

The question being on the adoption of the motion, and

The ayes and nays being called for and ordered, there were

Ayes—9. Nays—4.

Those voting in the affirmative, were.

Messrs Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela and Garcia,

Those voting in the negative were

Messrs Steele, Holly, Chilcott and Mr Speaker *pro tem.*

H B No 54, a bill for An act to incorporate the Denver, Golden Gate and Gregory road company, was

Read a third time.

The question recurring on the final passage of the bill, there were

Ayes—13. Nays—0.

Those voting in the affirmative were

Messrs Steele, Holly, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker *pro tem.*

So the bill passed, and

Title was agreed to.

On motion of Mr Witter,

The House resolved itself into committee of the Whole, upon the general file.

Mr Noteware in the chair.

During the sitting of the committee of the Whole, a message from the Council was announced, whereupon the Speaker resumed the chair, and the following message was received:

COUNCIL CHAMBER,
Nov. 5, 1861.

Mr Speaker:—

I am instructed by the Council to inform the House, that the Council has appointed Messrs Parker, Mather and Graham, a committee of conference, to confer with a like committee of the House, on H B's Nos 92 and 93.

Also, that the Council has passed H B No 117, An act to establish the common school system, amended as follows: By adding Sec. 75, as follows:

"The provisions of this act shall not extend to districts, communities or counties, when, in the opinion of the people residing in such localities, they shall not deem it expedient to establish common schools. And at each annual election the people of the Territory, in their several districts, shall vote, by ballot or otherwise, whether they shall be taxed for such purpose, and the clerks of the elections shall record such vote in the poll books of their district, and if there be a majority of the legal voters in favor of such tax, then the same shall be levied as provided for in the provisions of this act. *And it is further provided*, That in any district where the legal voters shall decide against the levying of such tax, the property in such district shall not be taxed to support schools in other districts in the county or Territory."

Also, H B No 60, An act concerning wills, executors and administrators, amended as follows: By striking out the words "of the

Peace," wherever they occur in said bill after the words "Probate Justice."

Also, H B No 137, An act concerning mining and other claims. Title amended by striking out the words "mining and other," and insert the word "lode."

Also, H B No 176, An act to prevent ranchmen and stable keepers from using stock left with them, without the consent of the owners; without amendment.

Also, H B No 177, An act to incorporate the Canon City, Grand River and San Juan road company, without amendment.

And respectfully ask your concurrence therein.

S. L. BAKER,
Secretary of Council.

Mr Noteware resumed the chair, as chairman of the committee of the Whole.

After some time spent therein, the committee rose, and through their chairman reported as follows:

The committee of the Whole have had under consideration the following bills:

H B No 180, to incorporate the Canon joint stock ditch company, and recommended that it lie on the table.

H B No 166, to incorporate the Canon City bridge company; Which was amended in section 1, by striking out the word "river," and inserting "bridge." Also, in same section, by striking out the words "for the space of three miles above and below the point of crossing."

And recommended its passage.

J. H. NOTEWARE, Ch'n.

Mr Wilhite, from committee on Enrollment, presented the following report:

Mr Speaker:

Your committee on enrollment would report the following bills correctly enrolled.

H B No 123, a bill for An act concerning joint rights and obligations.

H B No 105, a bill for An act concerning legal advertisements

H B No 66, a bill for An act to create a lien in favor of ranchmen and others.

H B No 61, a bill for An act concerning partition of real estate.

H B No 29, a bill for An act to incorporate the Camp Weld and Denver ditch and water company.

H B No 149, a bill for An act supplementary to An act entitled An act concerning judgments and executions.

A bill for an act concerning county jails.

H B No 124, a bill for An act to prevent the introduction of animals, for the purpose of grazing, within certain limits.

H B No 64, a bill for An act to incorporate the Park Junction, Georgia and French Gulch road company.

H B No 147, a bill for An act relating to the commitment of prisoners.

H B No 94, a bill for An act concerning the construction of statutes.

H B No 107, a bill for An act relating to counties and county officers.

Also, Joint Resolution relative to a Territorial seal.

E. S. WILHITE, Chairman.

On motion of Mr Witter,

The House adjourned to 6½ P. M.

EVENING SESSION.

6½ O'CLOCK P. M.

Speaker in the chair.

H B No 190, a bill for An act concerning clerks of courts, was Read third time.

The question recurring on the final passage of the bill there were Ayes—8. Nays—0.

Those voting in the affirmative were

Messrs Steele, Scudder, Chaffee, Whittemore, Crocker, Garcia, Chilcott and Mr Speaker.

So the bill passed.

Title agreed to.

On motion of Mr Crocker,

The House resolved itself into committee of the Whole upon the general file.

Mr Crocker in the chair.

after sometime spent therein, the committee rose and reported as follows:

The committee of the Whole have had under consideration the following bills, viz:

H B No 167, to incorporate the Eldorado ditch company, and recommend the passage thereof.

Also, H B No 168, to incorporate the Bald Mountain ditch company, and recommend its passage.

Also, H B No 172, to incorporate the Gold run tunnel company, and recommend to amend section 3 by adding the words, "as a corporation for the business designated in this charter, and for that alone;" and to add to the last section but one, "Provided that this corporation shall continue in existence ten years, and no longer," and its passage as amended.

Also, H B No 173, to incorporate the pioneer tunneling company, No 1, of Gold Hill, and recommend the same amendments as to H B No 172, and an additional amendment, to strike out the words "certificate and," and its passage as amended.

Also, H B No 175, a bill for An act to incorporate the Kansas, Canon City and Colorado stage and express company, and recommend its passage.

Also, H B No 185, a bill for An act to incorporate the grand lodge of free and accepted masons, and recommend its passage.

Also, H H No 187, a bill tor An act to incorporate the Georgia Gulch and Clear Creek wagon road company, and recommend its passage.

Also, H B No 141, a bill for An act to incorporate the Clear Creek and Platte River ditch and water company, and recommend its passage.

Also, C B No 38, a bill for an act entitled An act to incorporate the Colorado and New Mexico joint stock, gold, silver and copper mining company, and recommend its passage.

Also, H B No 181, to incorporate the Cash Creek fluming company, and recommend its passage.

Also, H B No 182, to incorporate the Denver City insurance company, of Denver City, and recommend its passage.

Also, H B No 183, to incorporate the Union mining company, which they recommend to amend by striking out "twenty" and inserting "ten," in section 1, and which the committee recommend do not pass.

H B No 184, to incorporate the Rocky Mountain prospecting company, and recommend its passage.

C B No 41, to incorporate the bank of Colorado, and recommend its passage.

GEO. F. CROCKER, Ch'n.

Mr Willhite from committee on Enrollment presented the following report:

Mr. Speaker:

Your committee on Enrollment would report the following bills correctly enrolled, to-wit:

H B No 108, regulating elections.

H B No 125, to establish a Territorial library and cabinet.

Also, H B No 158, concerning licenses.

E. S. WILHITE, Chairman.

Mr Scudder moved to reconsider the vote on the final passage of C B No 45, a bill for An act to protect the rights of married women.

The ayes and nays being called for and ordered, there were

Ayes—8. Nays—5.

Those voting in the affirmative, were

Messrs Steele, Willhite, Scudder, Witter, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were,

Messrs Rankin, Chaffee, Noteware, Whittemore and Crocker.

So the vote was reconsidered.

On motion of Mr Chaffee,

The House adjourned to 9½ A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
November 6th, 1861.

House met pursuant to adjournment.
Speaker in the chair.
Prayer by the Chaplain.
Roll called.
Absent—Messrs Scudder, Barela, Garcia and Chilcott.

Mr Rankin moved that the daily Journal be referred to the committee on Printing. Carried.

Mr Wilhite presented a petition from citizens on Kiowa and Bijou creeks, praying for a Territorial road.

Mr Witter, from committee on Roads and Bridges, reported back H B No 78, a bill for An act to locate a Territorial road from Denver City via Pueblo and Colorado to Costilla, and H B No 79, a bill for An act to locate a Territorial road from Fort Wise via Pueblo and Cañon City to Hamilton, without recommendation.

Mr Chaffee, from committee on Incorporation, reported back C B No 33, a bill for An act to provide for the incorporation of railroads, and recommended that it be indefinitely postponed.

Also, H B No 179, a bill to incorporate the Arkansas Valley insurance company, without recommendation.

Mr Noteware, from special committee, made the following report:

HOUSE OF REPRESENTATIVES.

Mr Speaker:

Your committee to whom was referred H B's Nos 144 and 154, have had the same under consideration, and beg leave to report thereon. They recommend H B No 144 be laid on the table, and recommend the passage of H B No 154.

J. H. NOTEWARE, Ch'n.

Mr Whittemore was called to the chair.

Mr Holly, from select committee, made the following report:

The committee of conference on H B No 93 recommend to the House to concur in the Council amendment, with the following amendment: Strike out "gold dust," and strike out "now free or."

C. F. HOLLY,
Chairman House Com.
C. W. MATHER,
Chairman Council Com.

The committee of conference on H B No 92, recommend to the House to concur in the Council amendment, with this amendment: Strike out all of said amendments, and insert, in section 2, next after the words "over said road," the words "which they shall have constructed."

C. F. HOLLY,
Chairman House Com.
C. W. MATHER,
Chairman Council Com.

Mr Holly moved the report be adopted. Carried.

Mr Crocker moved to concur in the amendments to H B No 60, An act concerning wills, executors and administrators. Carried.

Mr Noteware moved to concur in the amendments to H B No 117, An act to establish the common school system. Carried.

Mr Rankin moved to concur in the amendment to H B No 137, An act concerning mining and other claims. Carried.

C B No 8, a bill for An act to incorporate the Eldorado mining company, was

Read first and second time.

Mr Chaffee moved to refer the bill to the committee of the Whole. Carried.

Mr Crocker moved that H B No 168 be referred to a special committee. Carried.

The chair announced as such committee,

Messrs Crocker, Scudder and Chilcott.

Mr Garcia moved that C B No 45, a bill for An act to protect the rights of married women, be indefinitely postponed.

The ayes and nays being called for and ordered, there were

Ayes—6. Nays—6.

Those voting in the affirmative, were

Messrs Rankin, Chaffee, Crocker, Barela, Garcia and Mr Speaker *pro tem.*

Those voting in the negative were

Messrs Steele, Holly, Wilhite, Scudder, Noteware and Witter.

Mr Chilcott was excused from voting.

So the motion was lost.

Mr Witter moved to strike out all after the enacting clause, and insert in lieu thereof, all of H B No 110, commencing with, and including section 16.

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative were

Messrs Rankin, Chaffee, Witter and Garcia.

Those voting in the negative were

Messrs Steele, Holly, Wilhite, Scudder, Noteware, Barela, Chilcott and Mr Speaker *pro tem.*

So the motion was lost.

Mr Crocker moved to strike out section 1, and insert a new one, containing the same matter, excepting all after the words "except her husband." Lost.

Mr Crocker moved to strike out section 18. Lost.

Mr Crocker moved to strike out section 7. Lost.

Mr Crocker moved to strike out section 8. Lost.

Mr Chaffee offered the following as an additional section:

"Nothing in this act shall be so construed as to repeal any previous act regarding the law of Descents as already passed by this Legislature."

The section was not adopted.

Mr Wilhite, from committee on enrollment, made the following report:

Mr Speaker:—

Your committee on Enrollment report the following bills correctly enrolled:

H B No 99, granting the exclusive right to J. M. Jacques and J. V. Garcia to maintain a ferry across the Rio Grande at Paso del Puerto.

H B No 87, to organize and establish the Treasury department.

H B No 130, to provide for vacancies in the Legislature.

H B No 177, to incorporate the Canon City, Grand River and San Juan road company.

H B No 58, to incorporate the Swan River and Georgia Gulch water company.

B B No 176, to prevent ranchmen and stable keepers from using stock left with them without the consent of the owners.

H B No 160, concerning Guardian and Ward.

E. S. WILHITE, Chairman.

Mr Rankin moved to lay C B No 45, on the table. Lost.

The question recurring on the final passage of the bill, there were Ayes—7. Nays—6.

Those voting in the affirmative, were

Messrs Steele, Holly, Wilhite, Scudder, Noteware, Witter and Chilcott.

Those voting in the negative were

Messrs Rankin, Chaffee, Crocker, Barela, Garcia and Mr Speaker *pro tem.*

So the bill passed, and

Title was agreed to.

Mr Crocker moved to amend the title so that it will read An act to enable husbands to defraud their creditors by means of their wives. Lost.

The title was agreed to.

H B No 166, to incorporate the Canon City bridge company, was Read third time.

The question recurring on the final passage of the bill, there were Ayes—7. Nays—6.

Those voting in the affirmative were

Messrs Steele, Wilhite, Noteware, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Scudder, Rankin, Chaffee, Whittemore, Witter and Crocker.

So the bill passed, and

Title agreed to.

H B No 167, to incorporate the Eldorado ditch company, was Read third time.

The question recurring on the final passage of the bill, there were
Ayes—12. Nays—1.
Those voting in the affirmative were,
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
Mr Witter voted in the negative.
So the bill passed and the
Title was agreed to.
H B No 185, a bill for An act to incorporate the Grand Lodge of Free and Accepted Masons, was
Read third time.
The question recurring on the final passage of the bill, there were
Ayes—11. Nays—2.
Those voting in the affirmative, were
Messrs Steele, Wilhite, Scudder, Rankin, Noteware, Whittemore, Witter, Crocker, Garcia, Chilcott and Mr Speaker.
Those voting in the negative were,
Messrs Chaffee and Barela.
So the bill passed and
Title was agreed to.
H B No 175, a bill for An act to incorporate the Kansas, Canon City and Colorado stage and express company, was
Read third time.
The question recurring on the final passage of the bill, there were,
Ayes—10. Nays—3.
Those voting in the affirmative, were
Messrs Steele, Wilhite, Scudder, Rankin, Noteware, Witter, Crocker, Garcia, Chilcott and Mr Speaker.
Those voting in the negative were
Messrs Chaffee, Whittemore and Barela.
So the bill passed, and the
Title agreed to.

H B No 187, a bill for An act to incorporate the Georgia Gulch and Clear Creek wagon road company, was
Read third time.
The question recurring on the final passage of the bill, there were
Ayes—12. Nays—1.
Those voting in the affirmative, were
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Chilcott and Mr Speaker.
Mr Garcia voted in the negative.

So the bill passed.
Title agreed to.
J M No 8, relative to the Colorado and Pacific, wagon, telegraph and railroad company, was
Read third time.
The question recurring on the final passage of the bill, there were
Ayes—10. Nays—3.
Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Crocker, Garcia, Chilcott and Mr Speaker.

Those voting in the negative, were

Messrs Rankin, Witter and Barela.

So the memorial passed, and the

Title was agreed to.

H B No 191, to incorporate the Oro City and Washington Gulch road company, was

Read a third time.

The question recurring on the final passage of the bill, there were,

Ayes—11. Nays—2.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Crocker, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Witter and Barela.

So the bill passed, and the

Title was agreed to.

C B No 32, a bill for An act to incorporate wagon road companies, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—4. Nays—9.

Those voting in the affirmative were

Messrs Wilhite, Rankin, Garcia and Mr Speaker.

Those voting in the negative, were

Messrs Steele, Scudder, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, and Chilcott.

So the bill did not pass.

H B No 172, a bill for An act to incorporate the Gold Run tunnel company, was

Read third time.

Mr Chilcott was called to the chair.

Mr Chaffee offered the following as an additional section:

"Stockholders shall be individually liable for all labor done for, or debts contracted by said company."

The ayes and nays being called for and ordered, there were

Ayes—8. Nays—5.

Those voting in the affirmative were

Messrs Wilhite, Scudder, Rankin, Chaffee, Whittemore, Witter, Barela and Garcia.

Those voting in the negative, were

Messrs Steele, Noteware, Crocker, Holly and Mr Speaker *pro tem.*

The question recurring on the final passage of the bill, there were

Ayes 10 Nays 3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Barela, Garcia and Mr Speaker *pro tem.*

Those voting in the negative were

Messrs Witter, Crocker and Holly.

So the bill passed and the

Title agreed to.

Mr Holly asked leave to introduce a bill ——

Mr Crocker moved that the rules be suspended, that the bill might be introduced, and the bill be indefinitely postponed.

A division of the question was called for.

The question being to suspend the rules, and

The ayes and nays being called for and ordered, there were

Ayes—12. Nays—1.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker *pro tem.*

Mr Chaffee voted in the negative.

So the rules were suspended, and

H B No 193, a bill for An act relating to the liabilities of stockholders, was introduced.

The question being to postpone the bill indefinitely, and

The ayes and nays being called for and ordered, there were

Ayes—3. Nays—10.

Those voting in the affirmative, were

Messrs Wilhite, Chaffee and Crocker.

Those voting in the negative were

Messrs Steele, Scudder, Rankin, Noteware, Whittemore, Witter, Barela, Garcia, Holly and Mr Speaker *pro tem.*

Mr Holly moved that the bill be considered read its three several times, and put upon its final passage.

The ayes and nays being called for and ordered, there were

Ayes—11. Nays—2.

Those voting in the affirmative were

Messrs Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Holly and Mr Speaker *pro tem.*

Those voting the negative were

Messrs Steele and Wilhite.

So the motion prevailed.

The question recurring on the final passage of the bill, there were

Ayes—4. Nays—9.

Those voting in the affirmative were

Messrs Witter, Barela, Holly and Mr Speaker *pro tem.*

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware Whittemore, Crocker and Garcia.

So the bill did not pass.

Mr Wilhite asked and obtained leave to introduce

H B No 194, a bill for An act to locate a Territorial road from Denver to Ft. Wise, which was

Read first and second time.

Mr Rankin moved to strike out all after the enacting clause, and insert:

"That the road now traveled from Denver to Ft. Wise, be and is hereby declared a Territorial road."

The ayes and nays being called for and ordered, there were

Ayes—7. Nays—6.

Those voting in the affirmative were

Messrs Rankin, Chaffee, Whittemore, Witter, Crocker, Garcia, and Mr Speaker.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Noteware, Barela and Chilcott.

So the motion prevailed.

On motion of Mr Witter,

The House adjourned to 2 P. M.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

Speaker in the chair.

Mr Scudder, from committee on Printing, reported the daily Journal, with corrections.

The report was received and adopted.

Mr Crocker, from special committee, made the following report:

Mr Speaker:

The committee to whom was referred H B No 168, would recommend its amendment as follows:

Section 1, strike out the word "twenty," in 14th line, and insert "ten."

Strike out section 5.

Strike out section 9.

Section 11, strike out all after the word "granted."

Section 12, in 1st line, insert after the word "or," the word "within."

In section 14, strike out after the word "exhausted."

Insert as an additional section:

"Nothing in this act contained, shall be construed to authorize any interference with any rights or privileges heretofore granted."

And with these amendments recommend its passage.

GEO. F. CROCKER, Ch'n.

The following message from the Governor was received:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
Denver, November 6th, 1861.

To the Speaker of the House of Representatives:

SIR:—I have approved and signed acts entitled

An act concerning partitions of real estate.

An act relating to couties and county boundaries.
An act to create a lien in favor of ranchmen and others.
An act concerning county jails.
An act concerning legal advertisements.
An act to incorporate the Camp Weld and Denver ditch and water company.
An act to locate the seat of government of Colorado Territory.
An act to provide for stay of procedure on foreign indebtedness.

Very respectfully,
WILLIAM GILPIN.
Governor of Colorado Territory.

Mr Wilhite moved that H B No 194 be indefinitely postponed.
The ayes and nays being called for and ordered, there were
Ayes—7, nays—5.
Those voting in the affirmative were
Messrs Wilhite, Scudder, Whittemore, Witter, Crocker, Garcia and Mr Speaker.
Those voting in the negative were
Messrs Steele, Rankin, Chaffee, Noteware and Barela.
So the motion prevailed.
Mr Crocker moved that the report of the committee on H B No 168, be adopted. Carried.
H B No 167, a bill for An act to incorporate the Bald Mountain ditch company, was
Read a third time.
The question recurring on the final passage of the bill, there were
Ayes—10. Nays—3.
Those voting in the affirmative were
Messrs Steele, Wilhite, Rankin, Chaffee, Noteware, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
Those voting in the negative were
Messrs Scudder, Whittemore and Witter.
So the bill passed, and
Title was agreed to.
Mr Chilcott was called to the chair.
Mr Wilhite, from committee on Enrollment, presented the following report:

Mr Speaker:

The committee on Enrollment report the following bills as correctly enrolled:
H B's Nos 127, 88 and 93.

E. S. WILHITE, Ch'n.

H B No 173, to incorporate the Pioneer Tunneling company No 1, of Gold Hill, was
Read a third time.
Mr Chaffee offered the following as an additional section:

"Stockholders shall be individually liable for all labor done for, and debts contracted by the company."

The section was not adopted.

The question recurring on the final passage of the bill, there were Ayes—7. Nays—5.

Those voting in the affirmative were

Messrs Steele, Holly, Noteware, Crocker, Barela, Garcia and Mr Speaker *pro tem.*

Those voting in the negative were

Messrs Scudder, Rankin, Chaffee, Whittemore and Witter.

H B No 141, a bill for An act to incorporate the Clear Creek and Platte River ditch and water company, was taken up.

Mr Witter moved to amend section 1, by striking out all of the third line except the word "construct." Carried.

Mr Witter offered the following as an additional section:

"*The said company shall at all times leave sufficient water in the bed of said stream to supply all claims lying along and near the same, below where the ditch is taken out*"

The section was adopted.

The question recurring on the final passage of the bill, there were, Ayes—7. Nays—5.

Those voting in the affirmative were

Messrs Scudder, Rankin, Witter, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Steele, Chaffee, Noteware, Whittemore and Crocker.

So the bill passed.

Title agreed to.

Mr Chaffee moved that H B No 180, to incorporate the Canon Joint Stock ditch company, be indefinitely postponed. Lost.

Mr Rankin moved that the amendments proposed by the committee to H B No 180 be adopted, and that the bill be ordered engrossed for a third reading. Carried.

Mr Witter moved that H B No 38, a bill for An act entitled An act to incorporate the Colorado and New Mexico Joint Stock gold, siver and copper mining company, be made the special order for 7 P. M. Carried.

H B No 131, to incorporate the Cash Creek fluming company, Read third time.

The question recurring on the final passage of the bill, there were Ayes—10. Nays—2.

Those voting in the affirmative were

Messrs Scudder, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Steele and Rankin.

So the bill passed, and

Title was agreed to.

H B No 182, to incorporate the Denver City insurance company of Denver City, was
Read a third time.

Mr Witter moved to strike out section 4, and insert a new one containing the same, all from the word "*respondentia*," in the 15th line, and to, and including the word "had," in the 31st line. Carried.

The question recurring on the final passage of the bill, there were
Ayes—9. Nays—3.
Those voting in the affirmative were,
Messrs Steele, Wilhite, Scudder, Chaffee, Witter, Barela, Garcia Chilcott and Mr Speaker.
Those voting in the negative were
Messrs Rankin, Whittemore and Crocker.
So the bill passed, and
The title was agreed to.

Mr Witter moved that H B No 183, to incorporate the Union mining company, be indefinitely postponed. Lost.
The bill was read a third time.

The question recurring on the final passage of the bill, there were
Ayes—7. Nays—6.
Those voting in the affirmative were
Messrs Steele, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative, were
Messrs Wilhite, Scudder, Rankin, Chaffee, Witter and Mr Speaker.
So the bill passed.

Mr Wilhite moved to amend the title so as to incorporate the "Wandering Jew." Lost.
The title was agreed to.

Mr Chaffee moved to indefinitely postpone H B No 184, An act to incorporate the Rocky Mountain mining company.

Ayes and nays being called for and ordered, there were
Ayes—6. Nays—7.
Those voting in the affirmative, were
Messrs Wilhite, Scudder, Rankin, Chaffee, Witter and Mr Speaker.

Those voting in the negative were
Messrs Steele, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.
So the motion was lost.

Mr Rankin moved that the bill be made the special order for Friday. Lost.

Mr Chaffee moved that J. H Noteware and Geo. F. Crocker be added to the list of corporators. Carried.

Mr Witter moved to strike out the word "stream" and insert "branches of Blue River." Carried.

Mr Witter moved to strike out the word "fifty" and insert "twenty." Carried.

Mr Witter offered the following as an additional section:

"The stockholders shall be individually liable for the indebtedness of said company." Lost.

The bill was read third time.

The question recurring on the final passage of the bill, there were Ayes—10. Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Rankin, Chaffee and Witter.

C B No 41, to incorporate the bank of Colorado, was Read a third time.

The following message from the Council was received

COUNCIL CHAMBER,
Nov. 6, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed

H B No 112, An act relating to the General Assembly. Amended as follows:

Section 1, strike out the word "General" in second line, and insert "Legislative."

Sec. 4, strike out the word "General," in 1st line, and insert word "Legislative."

Also, title amended; strike out the word "General," and insert "Legislative."

H B No 162, An act concerning proceedings in case of quo warranto, amended,

Section 2, first line, strike out the words "or district."

H B No 146, An act concerning arbitration and award, amended as follows, viz:

Section 8, twelfth line, between the words "attorney" and "or" insert the words, "except when the action was founded upon a written contract to pay money."

Also, 15th line of same section, between words "decision therein," insert words "or the decision of a jury."

Sec. 9, in 1st and 2d lines strike out the words "feeling aggrieved by" and insert words "a party to."

Also, in 7th line of same section, between the words "same" and "sit" insert the words "confirmed or."

H B No 103, An act concerning probate courts, amended as follows:

Sec. 2, 5th line, strike out "Justices of the Peace," and insert "county officers."

In last line strike out "Justices of the Peace," and insert "county officers."

Sec. 3, insert "Judge" in place of "Justice of the Peace," first line.

Strike out the word "other" in 4th line.

Seventh subdivision section 5, strike out the word "other,' in next to last line.

Sec. 7, strike out "other" next to last line.

Sec. 17, strike out in 6th line "Justice of the Peace," and insert "county officers."

Also the same words in other sections, and insert "county officers."

Sec. 19, strike out "other" in last line.

Section 20, insert in 3rd line "when exercising the jurisdiction of."

Also, strike out "other" in last line.

H B No 155, An act concerning dower, amended as follows:

Sec. 1, strike out the word "was" 3rd line, and strike out the words "at any time during the marriage unless the same shall have been released in legal form," and insert the words "shall die" between "husband" and "seized" in 3rd line.

Sec. 2, by inserting the words "shall die" between words "person" and "seized," in 2d line.

Also inserting the word "and" between the word "land" and the word "shall" in the third line of said section, and by striking out section 15.

Also, J M No 5, Joint Memorial, relative to the salaries of territorial officers, amended as follows:

Striking out the word "officer" in 7th line from top of 2nd page, and insert "Judges," and by inserting after the word "Judges" the words "not exceeding twelve hundred dollars."

And your concurrence is respectfully requested.

S. L. BAKER,
Secretary of Council.

Mr Witter moved that the further consideration of C B No 41, be suspended for present. Carried.

Mr Crocker moved to concur in amendments to H B No 112, An act relating to the General Assembly. Carried.

Mr Crocker moved to concur in amendments to H B No 162, An act concerning proceedings in "quo warranto." Carried.

Mr Rankin moved to concur in amendment to H B No 146, An act concerning arbitration and award, with an amendment by striking out section 9. Carried.

Mr Crocker moved to concur in the amendment to H B No 103, An act concerning Probate Courts. Carried.

Mr Witter moved to concur in the amendment to H B No 155, An act concerning dower. Carried.

Mr Noteware moved to concur in the amendments to Joint Memorial No 5, relative to the salaries of Territorial officers. Carried.

Mr Witter moved that Council Joint Resolution No 6, recommending the appointment of Commissioner and Treasurer Agent, be laid on the table. Carried.

Mr Noteware moved that Council Resolution No 7, be laid on the table. Lost.

Mr Chilcott, from committee on Engrossment presented the following report:

Mr. Speaker:

Your committee on engrossment, beg leave to report H B No 180 as correctly engrossed.

G. M. CHILCOTT, Chairman.

On motion of Mr Wilhite the House adjourned to 6 P. M.

EVENING SESSION.

6 O'CLOCK P. M.

House met pursuant to adjournment.

Speaker in the chair.

Mr Chilcott moved a call of the House.

A call of the House being ordered, and Messrs Wilhite, Scudder, Barela and Garcia found absent, the Sergeant-at-arms was dispatched for the absentees.

After sometime spent under the call, Mr Scudder appeared and took his seat.

Mr Rankin moved that further proceedings under the call be dispensed with. Carried.

C B No 2 was taken up.

The question being on the final passage of the bill, there were

Ayes—10. Nays—1.

Those voting in the affirmative, were

Messrs Steele, Scudder, Rankin, Noteware, Whittemore, Witter, Crocker, Garcia, Chilcott and Mr Speaker.

Mr Chaffee voted in the negative.

So the bill passed.

Title agreed to.

C B No 41, a bill for An act to incorporate the bank of Colorado, was taken up.

Mr Witter moved to strike out "two dollars and twenty-five cents," and inserting "one dollar."

The ayes and nays being called for and ordered, there were

Ayes 4. Nays 9.

Those voting in the affirmative were

Messrs Rankin, Chaffee, Witter and Mr Speaker.

Those voting in the negative, were

Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

So the motion was lost.

Mr Witter moved to amend by striking out the words "two dollars and twenty-five cents," and insert one dollar and fifty cents."

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative, were

Messrs Rankin, Chaffee, Witter, Barela and Mr Speaker.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Crocker, Garcia and Chilcott.

So the motion was lost.

Mr Witter moved to strike out the words "and twenty-five cents."

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative were

Messrs Rankin, Chaffee, Witter, Barela and Mr Speaker.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Crocker, Garcia and Chilcott.

So the motion was lost.

Mr Chaffee moved to strike out section 37.

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative were

Messrs Rankin, Chaffee, Witter, Barela and Mr Speaker.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Crocker, Garcia and Chilcott.

So the motion was lost.

Mr Rankin moved to strike out the words "one commissioner," in section 38, and inserting the words "three commissioners."

The ayes and nays being called for and ordered, there were

Ayes—8. Nays—5.

Those voting in the affirmative were,

Messrs Rankin, Chaffee, Whittemore, Witter, Crocker, Barela, Garcia and Mr Speaker.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Noteware and Chilcott.

So the motion prevailed.

The hour having arrived for the special order, it was postponed until C B No 41 was disposed of.

Mr Chaffee moved to add the following as an additional section:

"That any officer or agent of the Bank who shall grossly mismanage the affairs of this institution, or be guilty of embezzlement of its funds or effects, shall be liable, on conviction, to redeem any

issue of said Bank which the said Bank shall be unable or unwilling at any time to redeem."

The ayes and nays being called for and ordered, there were
Ayes—5. Nays—8.
Those voting in the affirmative were
Messrs Rankin, Chaffee, Witter, Barela and Mr Speaker.
Those voting in the negative, were
Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Crocker, Garcia and Chilcott.
So the section was not adopted.

Mr Rankin offered the following as an additional section:

That in case the Bank shall refuse to redeem any of its issues in gold and silver, according to the provisions of its charter, its stockholders shall be individually liable for the debts of the incorporation.

The ayes and nays being called for and ordered, there were
Ayes—5. Nays—8.
Those voting in the affirmative were
Messrs Rankin, Chaffee, Witter, Barela and Mr Speaker.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Crocker, Garcia and Chilcott.
So the section was not adopted.

Mr Witter offered the following as an additional section:

"That before the bank shall be authorized to issue any paper to circulate as money, one-half of the amount which the said company propose to issue shall be secured as provided in the charter."

The ayes and nays being called for and ordered, there were
Ayes—5. Nays—8.
Those voting in the affirmative were
Messrs Rankin, Chaffee, Witter, Barela and Mr Speaker.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Crocker, Garcia and Chilcott.
So the section was not adopted.

Mr Chaffee moved to amend section 1, by striking out "twenty years," and inserting "ten years."

Mr Rankin moved to amend the amendment by inserting "five years."

The ayes and nays being called for and ordered, there were
Ayes—3. Nays—10.
Those voting in the affirmative were
Messrs Rankin, Chaffee and Mr Speaker.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Witter, Crocker, Barela, Garcia and Chilcott.

So the amendment to the amendment did not prevail.
The question recurring on the motion of Mr Chaffee, and
The ayes and nays being called for and ordered, there were
Ayes—5. Nays—8.
Those voting in the affirmative, were
Messrs Rankin, Chaffee, Witter, Barela and Mr Speaker.
Those voting in the negative, were
Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Crocker Garcia and Chilcott.
So the motion did not prevail.
Mr Witter offered the following as a substitute for the last section

"This act shall take effect and be enforced from and after its approval by Congress."

The ayes and nays being called for and ordered, there were
Ayes—5. Nays—8.
Those voting in the affirmative were
Messrs Rankin, Chaffee, Witter, Barela and Mr Speaker.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Crocker Garcia and Chilcott.
So the section was not adopted.
Mr Witter offered the following as an additional section:

"That any other company, equally as responsible and moral, may organize under the provisions of this incorporation, and on complying with all the provisions herein, shall be entitled to all the rights and privileges herein granted: *Provided*, That any said new company shall, in addition to the other guards in this act, be also individually liable for all their issues."

Ayes and nays being called for and ordered, there were
Ayes—4. Nays—9.
Those voting in the affirmative were
Messrs Rankin, Witter, Barela and Mr Speaker.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Crocker, Garcia and Chilcott.
So the section was not adopted.
Mr Rankin offered the following as an additional section:

That nothing in this act shall be so construed as to allow any banking privileges.

The ayes and nays being called for and ordered, there were
Ayes—5. Nays—8.
Those voting in the affirmative were
Messrs Rankin, Chaffee, Witter, Barela and Mr Speaker.
Those voting in the negative, were
Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Crocker, Garcia and Chilcott.

So the section was not adopted.

Mr Witter moved that the bill be indefinitely postponed. Lost.

Mr Rankin moved that the bill be postponed to to-morrow at 2 o'clock P. M. Lost.

Mr Rankin moved that the bill be laid on the table. Lost.

Mr Rankin offered the following as an additional section:

That the bills issued under the provisions of this act be, and the same are hereby declared to be a lawful tender in the payment of all debts whatsoever.

The ayes and nays being called for and ordered, there were,

Ayes—1. Nays—12.

Mr Barela voted in the affirmative.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Garcia, Chilcott and Mr Speaker.

So the section was not adopted.

The bill was read a third time.

The question recurring on the final passage of the bill, there were

Ayes—8. Nays—5.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Crocker, Garcia and Chilcott.

Those voting in the negative were

Messrs Rankin, Chaffee, Witter, Barela and Mr Speaker.

So the bill passed, and the

Title was agreed to.

Mr Witter asked and obtained leave to enter the following protest upon the journal:

The undersigned members of the House of Representatives beg leave to protest against the passage of the bill for An act to incorporate the Bank of Colorado.

1. Because we believe we have no constitutional right to pass such a law to take effect prior to its approval by Congress.

2. Because we believe such an institution is inexpedient as uncalled for by any want of the people of Colorado.

3. Because we believe the people of this Territory do not desire the inauguration of this system which has resulted so disastrously elsewhere in their midst — but rather that they are utterly opposed to it.

4. Because this bill has been forced through both Houses of this Legislature on the eve of the session, and without consulting with any considerable portion of the people of this Territory.

5. And because the details of this bill are not sufficiently guarded to protect the bill-holders, and no important amendment has been allowed to the bill. For such then, and other reasons we enter our solemn protest against the passage of this bill, and respectfully ask

that this, our protest be entered upon the Journal. Nov. 6, 1861.

CHAS. F. HOLLY,
W. A. RANKIN,
JESUS M. BARELA,
J. B. CHAFFEE,
D. WITTER.

The following messages from the Council was received and read:

COUNCIL CHAMBER,
Nov. 6, 1861.

Mr Speaker:—

I am instructed by the Council to inform the House that the Council has passed

H B No 34, An act relating to the fees of officers, jurors and witnesses, amended by adding the following as an additional section, viz:

"The District Judges shall be entitled to receive a fee of three dollars in each case in chancery; two dollars and fifty cents for each case at comon law, and two dollars in each appeal from a Justice of the Peace, to be paid at the commencement of the suit; also a fee of two dollars for hearing each motion at chambers in vacation and for any service which might be performed by a clerk or master in chancery, the same fees as clerks and masters in chancery for similar services. That the Secretary of the Territory shall have the right to charge fees upon papers issued by him as follows: for each military commission, with seal, two dollars and fifty cents; for each notary commission two dollars and fifty cents; for each foreign commission, with seal, five dollars; and all other commissions and appointments to which the Territorial seal is attached, two dollars and fifty cents. In all cases these sums to be collected from the individuals receiving the commissions and not from the Territorial Treasury."

And respectfully ask your concurrence therein.

Also, that the Council has passed C J R No 6, recommending the appointment of a commissioner and treasurer agent.

Also, C J R No 7, relative to the pre-emption of early settlers.

And respectfully ask your concurrence therein.

S. L. BAKER,
Sec. of the Council.

COUNCIL CHAMBER,
November 6, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has concurred in House amendments to

H B No 146, An act concerning arbitration and award, striking out section 9.

S. L. BAKER,
Secretary of the Council.

Mr Wilhite, from committee on Enrollment, made the following report:

Mr Speaker:—

Your committee on enrollment would respectfully report the following bills correctly enrolled, to-wit:

H B No 128, An act concerning fugitives, and

H B No 92, An act to incorporate the Bear Canon road company.

E. S. WILHITE, Ch'n.

Mr Chaffee moved to defer the special orders, to enable Mr Scudder to introduce Joint Resolution No 5, relative to the salaries of clerks. Carried.

The following message from the Council was received and read:

COUNCIL CHAMBER,
November 6, 1861.

Mr Speaker:—

I am instructed by the Council to inform the House that the Council has passed

H B No 184, An act concerning line fences.

H B No 106, An act concerning divorces and alimony.

H B No 164, An act relating to a ferry across the Rio Grande del Norte.

H B No 163, An act to establish a ferry across the Rio Grande del Norte.

H B No 133, An act to change the name of Guadaloupe county to Conejos county.

H B No 161, An act to regulate proceedings on writs of *mandamus.*

H B No 152, An act to incorporate the Buckskin Joe ditch company.

H B No 82, An act establishing the mode of locating and changing county seats.

Also, C B No 55, a bill for An act incorporating the Huerfano and Fort Garland wagon road company.

C B No 54, An act to provide for serving process until the election of sheriffs and coroners in this Territory.

H B No 150, An act to establish the university of Colorado,

Amended by adding to list of corporators, T. J. Jones and Mr Goss, and by striking out of list incorporators, Lewis Cass, D. M. Vance, Jeff. Davis, F. J. Stanton, M. Riddlebarger, Wm. N. Byers, Thos. Gibson, C. C. Carpenter, O. A. Whittemore, Mr Partridge and John Howard.

And respectfully ask your concurrence therein.

S. L. BAKER,
Secretary of Council.

Mr Rankin moved to concur in the amendments contained in the above message. Carried.

Joint Resolution No 5, was

Read a first, second and third time,

Mr Crocker moved to amend by striking out "thirty cents per folio," and insert "ten cents per folio."

Mr Barela moved to amend by inserting "twenty cents." Lost.

The motion of Mr Crocker was not adopted.

Mr Crocker moved to amend so that the chief clerk, first assistant clerk and sergeant-at-arms, of each house, receive the sum of three dollars for each day's service during the session. Carried.

Mr Witter moved to strike out "thirty cents per folio," and insert "fifteen cents per folio." Carried.

Mr Chaffee moved to amend so that the second assistant clerk be allowed eight dollars per day for each day during the session. Carried.

Mr Wilhite moved that the foreman be included among those who receive three dollars per day. Carried.

The question recurring on the passage of the resolution and

The ayes and nays being called for and ordered, there were

Ayes—9. Nays—4.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Scudder, Rankin, Witter and Mr Speaker.

So the resolution passed as amended.

Mr Witter moved to adjourn.

The ayes and nays being called for and ordered, there were

Ayes—7. Nays—6.

Those voting in the affirmative were

Messrs Wilhite, Scudder, Rankin, Chaffee, Witter, Garcia and Mr Speaker.

Those voting in the negative were

Messrs Steele, Noteware, Whittemore, Crocker, Barela and Chilcott.

So the House adjourned to 9 A. M. to-morrow.

House of Representatives,
Nov. 7, 1861.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs Rankin and Crocker.

Mr Witter moved a call of the House.

A call of the House being ordered, and Messrs Rankin and Crocker found absent, the Sergeant-at-Arms was dispatched for the absentees.

After some time spent under the call, the Sergeant-at-Arms appeared and reported Messrs Rankin and Crocker in their seats.

Mr Chaffee moved to dispense with further proceedings under the call. Carried.

Mr Chaffee moved that the daily Journal be referred to the committee on Printing. Carried.

Mr Noteware offered the following resolution:

Resolved, That members on this floor shall not be allowed to speak more than five minutes, nor more than once upon any question, and shall not be allowed to speak to amendments or incidental motions."

Mr Crocker moved that the resolution be laid on the table. Carried.

C B No 54, a bill for An act to provide for serving process until the election of Sheriffs and Coroners, was

Read first time.

Also, C B No 55, a bill for An act to incorporate the Huerfano and Fort Garland road company.

Mr Chilcott was called to the chair.

Mr Holly asked and obtained leave to introduce

H B 196, a bill for An act to provide for the publication of the laws of this Territory, which was

Read a first, second and third time.

Mr Wilhite, from committee on Enrollment, made the following report:

Mr Speaker:

Your committee on Enrollment report the following bills correctly enrolled:

H B's Nos 112, 162, 103, 117, 146, and J M No 5.

E. S. WILHITE, Ch'n.

Mr Holly moved to amend by adding to section 2, as follows:

"*Provided*, That no allowance be made for the publishing of any laws authorized and paid for by the general government." Adopted.

Mr Rankin moved to strike out all after the enacting clause to the last section.

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—7.

Those voting in the affirmative, were

Messrs Rankin, Whittemore, Witter, Crocker and Barela.

Those voting in the negative were

Messrs Steele, Wilhite, Scudder, Noteware, Garcia, Holly and Mr Speaker *pro tem*.

Mr Chaffee was excused from voting.

So the motion did not prevail.

The question recurring on the final passage of the bill, there were

Ayes—5. Nays—8.

Those voting in the affirmative were

Messrs Wilhite, Barela, Garcia, Holly and Mr Speaker *pro tem*.

Those voting in the negative were

Messrs Steele, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter and Crocker.

So the bill did not pass.

Message from the Council:

COUNCIL CHAMBER,
November 6, 1861.

Mr Speaker:—

I am instructed to inform the House that the Council has concurred in House amendments to H B No 47, An act to incorporate the city of Denver.

S. L. BAKER, Sec'y of the Council.

Mr Scudder, from committee on Printing, reported the daily Journal with corrections.

The report was received and adopted.

The following messages from the Governor were received and read:

EXECUTIVE DEPARTMENT, COLORADO TER.
Denver, Nov. 6, 1861.

To the Speaker of the House of Representatives:—

SIR:—I have approved and signed acts entitled

An act granting the exclusive right to Joseph M. Jacques and Joseph V. Garcia to maintain a ferry across the Rio Grande at Paso del Puerto.

An act to incorporate the Swan River and Georgia Gulch water company.

An act concerning guardian and ward.

An act to organize and establish the Treasury Department.

An act to establish a Territorial library and cabinet.

An act regulating elections.

Very respectfully,
WILLIAM GILPIN,
Governor of Colorado Territory.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
Denver, November 6th, 1861.

To the Speaker of the House of Representatives:

SIR:—I have approved and signed acts entitled

An act supplementary to An act concerning judgments and executions.

Joint resolution relative to a Territorial Seal.

An act relating to the commitment of prisoners.

An act concerning the construction of statutes.

An act incorporating the Park Junction, Georgia and French Gulch road company.

An act concerning joint rights and obligations.

An act to prevent the introduction of animals for the purpose of grazing within certain limits.

An act concerning licenses.

An act to incorporate the Canon City, Grand River and San Juan road company.

An act to prevent ranchmen and stable-keepers from using stock left with them, without the consent of the owners.

An act to provide for vacancies in the Legislature.

Very respectfully,
WILLIAM GILPIN.
Governor of Colorado Territory.

Mr Witter moved not to concur in the Council amendments to H B No 8, a bill for An act relating to the fees of officers, jurors and witnesses.

Mr Crocker moved to amend that the House do concur.

Mr Witter moved to amend the amendment, that the House do concur, with an amendment striking out all after the word "fee," in the 2d line of the message from the Council, to and including the word "fee," in the 9th line, and excepting the fees of the Secretary.

The amendment prevailed, and the motion as amended was adopted.

Mr Witter moved to concur in the amendment relating to the Secretary of the Territory, with an amendment, by striking out the words "two dollars and fifty cents," wherever they occur, and insert the words "one dollar and fifty cents."

Also, strike out the word "five," and insert "three."

The ayes and nays being called for and ordered, there were

Ayes—4. Nays—9.

Those voting in the affirmative were

Messrs Steele, Chaffee, Witter and Mr Speaker.

Those voting the negative were

Messrs Wilhite, Scudder, Rankin, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

So the motion did not prevail.

The amendments were concurred in.

C B No 54 and C B No 55, were

Read a second time by their titles.

C B No 54, a bill for An act to provide for the serving of process until the election of Sheriffs and Coroners in this Territory, was

Read third time.

The question recurring on the final passage of the bill, there were,

Ayes—8. Nays—4.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Barela and Mr Speaker.

Those voting in the negative were

Messrs Rankin, Witter, Crocker and Chilcott.

So the bill passed, and

Title was agreed to.

C B No 5, a bill for An act to incorporate the Huerfano and Fort Gardland road company, was

Read third time.

Mr Crocker moved that the bill be indefinitely postponed. Carried.

On motion the House resolved itself into committee of the Whole upon the general file.

Mr Witter in the chair.

After some time spent therein, the committee rose and reported as follows:

Mr. Speaker:

The committee of the Whole have had under consideration H B No 188, concerning the Penitentiary,

And recommend its passage.

H B No 189, to locate the Penitentiary of Colorado Territory,

And recommend its passage.

C B No 15, to incorporate the Silver Spring mining company,

And recommend its passage.

DAN'L WITTER, Chairman.

The report was received and adopted.

H B No 188, a bill for An act concerning the Penitentiary, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—9. Nays—4.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Witter, Crocker and Barela.

Those voting in the negative, were

Messrs Whittemore, Garcia, Chilcott and Mr Speaker.

So the bill passed, and the

Title was agreed to.

Mr Chaffee moved that H B No 189, be indefinitely postponed.

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—8.

Those voting in the affirmative, were

Messrs Wilhite, Scudder, Rankin, Chaffee and Witter.

Those voting in the negative, were

Messrs Steele, Noteware, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the motion was lost.

The bill was read a third time.

The question recurring on the final passage of the bill there were

Ayes—7. Nays—6.

Those voting in the affirmative were

Messrs Steele, Whittemore, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Wilhite, Scudder, Rankin, Chaffee, Noteware and Witter.
So the bill passed.
Title agreed to.
C B No 15, a bill for An act to incorporate the Silver Spring mining company, was
Read third time.
Mr Witter moved to strike out section 6. Carried.
The question recurring on the final passage of the bill, there were,
Ayes—8. Nays—4.
Those voting in the affirmative were
Messrs Steele, Wilhite, Chaffee, Noteware, Whittemore, Barela, Chilcott and Mr Speaker.
Those voting in the negative, were
Messrs Scudder, Rankin, Witter and Garcia.
So the bill passed, and
The title was agreed to.
On motion of Mr Wilhite, the
House adjourned to 2 P. M.

AFTERNOON SESSION.

2 O'CLOCK P. M.

Speaker in the chair.
C B No 38, a bill for An act to incorporate the Colorado and New Mexico Joint Stock, Gold, Silver and Copper mining company, which was the special order, was taken up.
The following messages from the Governor were received and read:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
Denver November 7th.

To the Speaker of the House of Representatives:

SIR: — I have approved and signed acts entitled:
An act concerning arbitrations and awards.
An act providing for the collection of the revenue.
An act to incorporate the St Vrain, Altonia, Boulder Mines and Gregory wagon road company.
An act concerning lode claims.
An act relating to the Legislative Assembly.
An act to incorporate the Bear Canon road company.
An act to establish the common school system.

Very respectfully,
WILLIAM GILPIN,
Governor of Colorado Territory.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
Denver, November 7th, 1861.

To the Speaker of the House of Representatives:

SIR: — I have approved and signed acts entitled:

An act concerning proceedings in cases of quo warranto.

Joint resolution and memorial to Congress in relation to pay and salaries.

An act concerning fugitives from justice.

An act concerning probate courts.

Very respectfully,
WILLIAM GILPIN,
Governor of Colorado Territory.

Mr Chaffee moved to strike out the words "five directors" in section 1, of C B No 38, and insert "twenty-five directors."

The ayes and nays being called for and ordered, there were

Ayes—3. Nays—8.

Those voting in the affirmative were

Messrs Rankin, Chaffee and Mr Speaker.

Those voting in the negative were

Messrs Steele, Wilhite, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

Messrs Scudder and Witter was excused.

So the motion was lost.

The following messages from the Council was received

COUNCIL CHAMBER,
Nov. 7, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed

H B No 159, An act to incorporate the Central City and Georgetown road company, amended in section 6, by inserting after the word "two" in third line, the words, "neither of which shall be located on the east side of the crossing of the consolidated ditch."

Also, by adding to said act, as an additional section, viz:

Section 11, "This act to continue in force for the term of five years from the date of its passage; and it is hereby further provided, that the county of Clear Creek shall have the privilege of purchasing said road, upon the payment of fifteen hundred dollars, to the above named incorporators at any time before the expiration of said term."

H B No 54, An act to incorporate the Denver, Golden Gate and Gregory road company;

Amended by striking out after the word "four" in sixth line, section two, the words "the City of Denver by way of Golden City," and strike out the words "to the Guy House," and insert the words "to its head where it intersects the main road to Gregory diggings." Strike out the words "fifty-cents," in the 7th line of 7th section, and insert the words "twenty-five cents."

Also, title amended by striking out the word "Denver."

And your concurrence is respectfully requested.

S. L. BAKER,
Secretary of Council.

COUNCIL CHAMBER,
Nov. 7th, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council insists on its amendment to
H B No 34, An act relating to fees of officers, jurors and witnesses."

S. L. BAKER,
Secretary of the Council.

Mr Chaffee moved to concur in the amendments to H B No 159. Carried.

Mr Rankin moved that the House recede from its amendments to and refusal to concur in Council amendments to H B No 34.

Mr Witter moved to amend by insisting and asking a committee of conference.

The ayes and nays being called for and ordered, there were

Ayes 4. Nays 8.

Those voting in the affirmative were

Messrs Steele, Wilhite, Witter and Mr Speaker.

Those voting in the negative, were

Messrs Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

So the motion was lost.

The question recurring on the motion of Mr Rankin, and

Ayes and nays being called for and ordered, there were

Ayes—8. Nays—4.

Those voting in the affirmative, were

Messrs Steele, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela and Garcia.

Those voting in the negative were

Messrs Wilhite, Witter, Chilcott and Mr Speaker.

So the motion prevailed.

Mr Witter moved to concur in the amendments to H B No 154.

Mr Crocker moved to amend by concurring only in the first amendment, and not concurring in the others.

The amendment prevailed, and the motion as amended was adopted.

Mr Rankin moved that C B No 45, be postponed for two hours.

The ayes and nays being called for and ordered, there were

Ayes—6. Nays—6.

Those voting in the affirmative were,

Messrs Rankin, Chaffee, Witter, Barela, Garcia and Mr Speaker.

Those voting in the negative were

Messrs Steele, Scudder, Noteware, Whittemore, Crocker and Chilcott.

So the motion did not prevail.

Mr Chaffee moved to strike out section 9.

The ayes and nays being called for and ordered, there were
Ayes—5. Nays—7.
Those voting in the affirmative, were
Messrs Rankin, Chaffee, Whittemore, Witter and Mr Speaker.
Those voting in the negative were
Messrs Steele, Scudder, Noteware, Crocker, Barela, Garcia and Chilcott.
So the motion was lost.
Mr Chaffee moved to strike out "twenty" and insert "five."
The ayes and nays being called for and ordered, there were
Ayes—4. Nays—8.
Those voting in the affirmative were
Messrs Rankin, Chaffee, Witter and Mr Speaker.
Those voting in the negative were
Messrs Steele, Scudder, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.
So the motion was lost.
Mr Chaffee moved to strike out "twenty" and insert "six."
The ayes and nays being called for and ordered, there were
Ayes—5. Nays—7.
Those voting in the affirmative were
Messrs Rankin, Chaffee, Witter, Garcia and Mr Speaker.
Those voting in the negative were
Messrs Steele, Scudder, Noteware, Whittemore, Crocker, Barela and Chilcott.
So the motion was lost.
Mr Chaffee moved to strike out "twenty years" and insert "ten years."
The ayes and nays being called for and ordered, there were
Ayes—6. Nays—6.
Those voting in the affirmative, were
Messrs Scudder, Rankin, Chaffee, Whittemore, Witter and Mr Speaker.
Those voting in the negative were
Messrs Steele, Noteware, Crocker, Barela, Garcia and Chilcott.
So the motion was lost.
Mr Witter moved to strike out "twenty" and insert "twelve." Lost'
Mr Chaffee moved to strike out all after the word "mining," in section 1.
The ayes and nays being called for and ordered, there were
Ayes—5. Nays—8.
Those voting in the affirmative were
Messrs Rankin, Chaffee, Whittemore, Witter and Mr Speaker.
Those voting in the negative were
Steele, Wilhite, Scudder, Noteware, Crocker, Barela, Garcia and Chilcott.
So the motion was lost.
Mr Rankin moved to strike out all of the bill relating to New Mexico.

The ayes and nays being called for and ordered, there were
Ayes—4. Nays—9.
Those voting in the affirmative were
Messrs Rankin, Chaffee, Witter and Mr Speaker.
Those voting in the negative, were
Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.
So the motion was lost.
Mr Chaffee moved to add after section 2,
"Provided there shall not be more than two Boards of Directors at the same time."
The ayes and nays being called for and ordered, there were
Ayes—5. Nays—8.
Those voting in the affirmative were
Messrs Rankin, Chaffee, Whittemore, Witter and Mr Speaker.
Those voting in the negative, were
Messrs Steele, Wilhite, Scudder, Noteware, Crocker, Barela, Garcia and Chilcott.
So the motion was lost.
Mr Chaffee moved to insert, after the words "New Mexico," "Posey County, Indiana."
The ayes and nays being called for and ordered, there were
Ayes—3. Nays—10.
Those voting in the affirmative, were
Messrs Rankin, Chaffee and Noteware.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.
So the motion was lost.
Mr Rankin moved to amend so that the book of subscription be kept open for six months.
The ayes and nays being called for and ordered, there were
Ayes—5. Nays—8.
Those voting in the affirmative, were
Messrs Rankin, Chaffee, Whittemore, Witter and Mr Speaker.
Those voting in the negative were,
Messrs Steele, Wilhite, Scudder, Noteware, Crocker, Barela, Garcia and Chilcott.
So the motion was lost.
Mr Chaffee moved to insert after the name of "C. S. Hinckley," the words "and the rest of mankind."
The ayes and nays being called for and ordered, there were
Ayes—5, nays—8.
Those voting in the affirmative were
Messrs Rankin, Chaffee, Whittemore, Witter and Mr Speaker.
Those voting in the negative were
Messrs Steele, Wilhite, Scudder, Noteware, Crocker, Barela, Garcia and Chilcott.
So the motion was lost.

Mr Chaffee moved that the name of E. H. Brown be stricken out.
The ayes and nays being called for and ordered, there were
Ayes—5. Nays—8.
Those voting in the affirmative, were
Messrs Scudder, Rankin, Chaffee, Witter, and Mr Speaker.
Those voting in the negative were
Messrs Steele, Wilhite, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.
So the motion was lost.

Mr Rankin moved to adjourn for one half hour. Lost.
Mr Chaffee moved to postpone the bill twenty minutes.

Mr Witter moved to take a recess for twenty minutes'
The ayes and nays being called for and ordered, there were
Ayes—8. Nays—5.
Those voting in the affirmative were,
Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Witter and Crocker.
Those voting in the negative were
Messrs Whittemore, Barela, Garcia Chilcott and Mr Speaker.
So the motion prevailed.

After the expiration of twenty minutes, the House was called to order.

Mr Witter moved to strike out "$500,000," and insert "$100,000," and strike out the words "an amount necessary for the accomplishment of the objects and purposes of this act," and insert "five hundred thousand dollars," in section 1.
The ayes and nays being called for and ordered, there were
Ayes—8. Nays—5.
Those voting in the affirmative were
Messrs Wilhite, Scudder, Rankin, Chaffee, Whittemore, Witter, Crocker and Mr Speaker.
Those voting in the negative were
Messrs Steele, Noteware, Barela, Garcia and Chilcott.
So the amendment prevailed.

Mr Witter moved to amend section 1, by striking out all after the word "copper," in the fifth line from the last, and inserting "in New Mexico and Colorado Territories."
The ayes and nays being called for and ordered, there were
Ayes—8. Nays—5.
Those voting in the affirmative, were
Messrs Steele, Wilhite, Rankin, Chaffee. Whittemore, Witter, Crocker and Mr Speaker.
Those voting in the negative were
Messrs Scudder, Noteware, Barela, Garcia and Chilcott.
So the amendment prevailed.

Mr Witter moved to amend section 12, by striking out the word "twenty," and inserting the word "ten."
Ayes and nays being called for and ordered, there were
Ayes—5. Nays—7.

Those voting in the affirmative, were

Messrs Rankin, Chaffee, Whittemore, Witter and Mr Speaker.

Those voting in the negative, were

Messrs Steele, Scudder, Noteware, Crocker, Barela, Garcia and Chilcott.

So the motion was lost.

Mr Witter moved to add to section 2, the following, "Provided that there shall be but one board of directors at any one time."

The ayes and nays being called for and ordered, there were

Ayes—5. Nays—7.

Those voting in the affirmative were

Messrs Rankin, Chaffee, Witter, Crocker and Mr Speaker.

Those voting in the negative were

Messrs Steele, Scudder, Noteware, Whittemore, Barela, Garcia, and Chilcott.

So the motion was lost.

Mr Witter moved to strike out the words "twenty years," in sec. 12, and insert "eleven years."

The ayes and nays being called for and ordered, there were

Ayes—4. Nays—8.

Those voting in the affirmative were

Messrs Rankin, Chaffee, Witter and Mr Speaker.

Those voting in the negative were

Messrs Steele, Scudder, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

So the motion was lost.

Mr Chaffee moved to strike out "twenty" and insert "fifteen."

The ayes and nays being called for and ordered, there were

Ayes 7. Nays 5.

Those voting in the affirmative were

Messrs Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker and Mr Speaker.

Those voting in the negative, were

Messrs Steele, Scudder, Barela, Garcia and Chilcott.

So the motion prevailed.

The following messages from the Council were received:

COUNCIL CHAMBER,
Nov. 7th, 1861.

Mr Speaker:

I am instructed to inform the House that the Council has passed

H B No 189, An act to incorporate the Iowa ditch company, without amendment.

S. L. BAKER,
Secretary of the Council.

COUNCIL CHAMBER,
Nov. 7th, 1861.

Mr. Speaker:

I am instructed to inform the House that the Council has passed

H B No 121, An act concerning District and Supreme Courts, amended as follows:

By adding additional section as follows:

"There shall be held at the county seats in each county comprising each Judicial District, at least two terms of court in each year, which terms of the court shall be held at such times as the said Judges, in their respective districts, shall determine."

Also, amended title so as to read An act concerning Supreme and District Courts.

And your concurrence is requested.

S. L. BAKER,
Secretary of the Council.

Mr Chilcott moved to concur in the Council amendments, with an amendment to the amendments to H B No 113, adding Pueblo County to the 10th Representative and the 4th Council Districts. Carried.

The question recurring on final passage of C B No 45, there were,

Ayes—9. Nays—4.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Rankin, Chaffee, Witter and Mr Speaker.

So the bill passed, and

Title was agreed to.

Mr Whittemore introduced Joint Resolution No 8, concerning the laws of other States and Territories, which was passed.

Mr Wilhite gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for An act to incorporate an asylum for lunatics.

H B No 180, was

Read third time.

The question recurring on the final passage of the bill, there were

Ayes—6. Nays—3.

Those voting in the affirmative were

Messrs Wilhite, Noteware, Witter, Crocker, Chilcott and Mr Speaker.

Those voting in the negative, were

Messrs Scudder, Chaffee and Whittemore.

Messrs Steele, Rankin, Barela and Garcia were excused from voting.

So the bill passed, and the

Title was agreed to.

On motion of Mr Crocker, the
House adjourned to 6 P. M.

EVENING SESSION.

6 O'CLOCK P. M.

HOUSE OF REPRESENTATIVES,
November 7th, 1861.

House met pursuant to adjournment.
Speaker in the chair.
Mr Scudder moved to reconsider the vote on Council Bill No 32.
The following messages from the Governor were received and read:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
Denver, November 7th, 1861.

To the Speaker of the House of Representatives:

SIR: — I have approved and signed acts entitled:
An act establishing the mode of locating and changing county seat.
An act concerning a line fence.
An act to change the name of Guadaloupe County to Conejos County.
An act to authorize Lafayette Head, John M. Francisco and their associates, to establish a ferry across the Rio Grande del Norte at La Loma del Norte.
An act concerning dower.
An act concerning ejectments.
An act to regulate proceedings on writs of mandamus.
An act to incorporate the Buckskin Joe ditch company.
An act concerning divorces and alimony.

Very respectfully,
WILLIAM GILPIN,
Governor of Colorado Territory.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
Denver, November 7th, 1861.

To the Speaker of the House of Representatives:

SIR: — I have approved and signed acts entitled:
An act to incorporate the City of Denver.
An act to incorporate the Central City and Georgetown wagon road company.
An act to establish the University of Colorado.
An act to authorize Lafayette Head and John M. Francisco and their associates to establish and keep a ferry across the Rio Grande del Norte.

An act regulating the proceedings on the writ of habeas corpus.

Very respectfully,
WILLIAM GILPIN,
Governor of Colorado Territory.

The question recurring on the final passage of C B No 32, a bill for An act to incorporate wagon road companies, there were

Ayes—5. Nays—7.

Those voting in the affirmative were

Messrs Scudder, Whittemore, Barela, Garcia and Mr Speaker.

Those voting in the negative were

Messrs Steele, Wilhite, Chaffee, Noteware, Witter, Crocker and Chilcott.

Mr Chilcott moved a reconsideration of the vote by which H B No 180 passed. Carried.

Mr Steele moved that the bill be indefinitely postponed. Carried.

On motion of Mr Crocker, the House resolved itself into committee of the Whole upon the general file.

Mr Crocker in the chair.

After some time, the committee rose without report.

Mr Wilhite asked and obtained leave to introduce

H B No 198, a bill for An act supplemental to An act incorporating the city of Denver, which was

Read a first, second and third time.

The question recurring on the final passage of the bill, there were

Ayes—12. Nays—0.

Those voting in the affirmative, were

Messrs Steele, Wilhite, Scudder, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the bill passed.

The title was agreed to.

The House again went into committee of the Whole.

Mr Crocker in the chair.

After some time spent therein, the committee rose and reported as follows:

Mr Speaker:

The committee of the whole House have had under consideration C B No 43, a bill for An act to incorporate the Breckinridge, Buckskin Joe and Hamilton wagon road company, and recommend to amend the same by striking out the word "asses," in section 6, and adding an additional section, as follows:

"That nothing in this act shall give the said company any right or privilege on any part of said road that may pass over any other road incorporated by this Legislature, without permission of such other company."

And with these amendments recommend its passage.

Also, C B No 49, a bill for An act to incorporate the Arkansas hydraulic and milling company, and recommend its indefinite postponement.

Also, C B No 44, a bill for An act to incorporate the Spanish Bar wagon road company, and recommend its indefinite postponement.

Also, C B No 52, a bill for An act to authorize Chas. Autbees to erect and keep a ferry across the Arkansas River, and recommend its amendment as follows:

In section 1, strike out "five," and insert "two and a-half;" also, strike out "twenty," and insert "ten."

Amend section 2, by striking out "$1.50," and inserting "$1.00;" strike out "50" cts. and insert "25;" strike out "25 cts." and insert "10 cts."

Also, strike out the word "and," and insert "drawn by."

And recommend its passage as amended.

Also, J M No 6, relative to the provisional government, and recommend its indefinite postponement.

Also, C B No. 8, a bill for An act to incorporate the Eldorado mining company, and recommend its indefinite postponement.

GEO. F. CROCKER, Ch'n.

Mr Whittemore moved that the report be adopted. Carried.

C B No 52, a bill for An act to authorize Chas. Autbees to maintain a ferry across the Arkansas River, was

Read third time.

The question recurring on the final passage of the bill, there were Ayes—7. Nays—5.

Those voting in the affirmative were

Messrs Steele, Noteware, Whittemore, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Scudder, Rankin, Chaffee, Witter and Crocker.

So the bill passed.

Title agreed to.

C B No 43, a bill for An act to incorporate the Breckinridge, Buckskin Joe and Hamilton wagon road company, was

Read third time.

The question recurring on the final passage of the bill, there were Ayes—7. Nays—5.

Those voting in the affirmative, were

Messrs Steele, Noteware, Whittemore, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were,

Messrs Scudder, Rankin, Chaffee, Witter and Crocker.

So the bill passed and the

Title was agreed to.

Mr Chaffee moved that C B No 33, a bill for An act to provide for the incorporation of railroads, be indefinitely postponed. Carried.

H B No 78, a bill for An act to locate a Territorial road from Denver City via Pueblo and Colorado to Costilla, was taken up and read by sections:

Messages from the Council:

COUNCIL CHAMBER,
Nov. 7. 1861.

Mr. Speaker:

I am instructed by the Council to inform the House that the Council has passed the following bills:

H B No 101, An act to incorporate the Idaho and Missouri City wagon road company,—amended.

Sec. 6 is amended so that the tolls to be collected by the provisions of said section shall be one-half of those mentioned in said section, and also by adding to said bill an additional section (No 11) as follows:

"The Legislative Assembly shall have power hereafter to alter, modify or repeal this act."

H B No 85, An act to incorporate the St Vrain bridge company,

Amended by striking out, in section 3, the word "ten," and insert the word "five."

Also, by striking out, in same section, after the words "cattle and sheep," to the words "who shall refuse," and insert instead, the words "any person;" also, by adding section 5, as follows:

"That no person or corporation shall be allowed to construct any bridge or bridges to the damage of the corporators mentioned in this act, within five miles of said bridge. on either side; but this section shall not be so construed as to prevent any farmer or ranchman from constructing a bridge over the said Platte River for his own convenience; but any person constructing any such private bridge shall not collect toll upon such bridge, nor allow the passage of teams, oxen or cattle, to the damage of the incorporators mentioned in this act."

And your concurrence is respectfully requested.

S. L. BAKER. Sec. of Council.

COUNCIL CHAMBER,
Nov. 7, 1861.

Mr Speaker:

I am instructed to inform the House that the Council has passed

H B No 156, An act to incorporate the Cash Creek and Lake Park ditch company,

Also, H B No 171, An act to incorporate the Georgia Bar and Arkansas River fluming company.

Also, H J M No 8, Joint memorial relating to a daily mail from Denver City to Mountain City, without amendment.

Also, C B No 56, An act concerning marks and brands of animals.

Also, C J R No 8, Joint resolution asking for the appointment of an assistant Postmaster-General, or general postal agent, to reside in Colorado.

Also, C B No 53, An act to incorporate the Blue River mining company.

And your concurrence is respectfully requested.

S. L. BAKER, Sec. of Council.

Mr Scudder, from committee on printing, reported the House Journal of the evening session of the 6th inst., as correct.

Mr Rankin moved to amend H B No 87, by striking out all after the enacting clause, and insert, "that the road now traveled between Pueblo and Costilla be and the same is hereby declared a Territorial road." Lost.

The bill was indefinitely postponed.

Mr Crocker moved that H B No 79, a bill for An act to locate a Territorial road from Fort Wise via Pueblo ~~and~~ Canon City to Hamilton, be indefinitely postponed. Carried.

Mr Noteware moved that H B No 144, a bill for An act to incorporate the Boulder Benevolent ditch company, be indefinitely postponed. Carried.

Mr Crocker moved that H B No 154, a bill for An act to incorporate the St. Vrain ditch company, 'be referred to the committee on Education. Carried.

Mr Rankin moved that H B No 179, to incorporate the Arkansas Valley insurance company, be postponed until 2 P. M. to-morrow. Carried.

The following messages from the Council were received:

COUNCIL CHAMBER,
November 7, 1861.

Mr Speaker:

I am instructed to inform the House that the Council has concurred in House amendment to Council amendment to H B No 113, An act to provide for the time of the meeting of the Legislature.

Also, that the Council has passed H B No 185, amended so as to read An act to incorporate the grand lodge of free and accepted masons of Colorado.

S. L. BAKER,
Sec'y of Council.

COUNCIL CHAMBER,
November 7, 1861.

Mr Speaker:—

I am instructed to inform the House that the Council has passed

H B No 91, An act to incorporate the Altona town company, without amendment.

Also, H B No 190, An act concerning clerks of the courts, amended as follows:

Strike out section 2, and insert the following in its place:

"The clerk of each district court shall appoint a deputy clerk or clerks in each county, except the county in which said clerk shall reside—the judge of said district approving the appointments respectively; said deputy clerks shall have the the same power and

execute the duties of clerks within the counties for which said deputy clerks shall be appointed."

And respectfully ask the concurrence of the House therein.

S. L. BAKER,
Sec'y of Council.

Mr Chaffee moved that the Council amendment to H B No 10 be indefinitely postponed. Carried.

Mr Chaffee moved to concur in Council amendments to H B No 85. Carried.

Mr Whittemore moved to concur in the amendments to H B N's 91 and 190. Carried.

Mr Crocker moved that C J R No 8, asking the appointment of an assistant postmaster-general, or general postal agent, to reside in Colorado, be made the special order for the 31st inst.

Mr Chaffee moved that C B No 56, a bill for An act concerning marks and brands, be indefinitely postponed. Carried.

Mr Crocker moved that C B No 53, to incorporate the Blue River mining company, be made the special order for Sunday at 8 A. M. Carried.

Mr Crocker offered the following resolution:

Resolved, That E. P. Elmer, the Sergeant-at-arms of this House, by his efficient and prompt attention to the duties of his office, and gentlemanly deportment, during the present session of the Legislative Assembly, has merited and is entitled to the thanks of this House.

The resolution was adopted.

Mr Chaffee offered the following resolution:

Resolved, That we hereby tender the thanks of this House to the Hon Chas. F. Holly, Speaker thereof, for the able and impartial manner in which he has discharged the duties of that position during this session.

The resolution was adopted.

Mr Chaffee offered the following resolution:

Resolved, That the thanks of this House are hereby tendered to F. H. Page, E. B. Cozzens, Chauncey Barbour, G. W. Jacob and L. F. Yates, for the faithful discharge of their duties as clerks as this House, during the present session.

In response to the above resolutions, the Speaker, in behalf of himself and the officers of the House, made the following response:

Gentlemen of the House:—

I beg to tender you, on my own behalf and of the other officers of this House, our appreciating acknowledgments for the complimentary terms of the resolutions just adopted with such signal unanimity.

As for myself, conscious of having unintentionally made many mistakes in discharging the onerous and untried duties of the posi-

tion for which I was indebted, rather to your partiality than to any merit of my own, I shall never cease to remember, with grateful reminiscences, the forbearance and kindness with which I have been uniformly treated. I also beg to tender you my heartfelt thanks for the necessary aid which you have never failed to render me in the preservation of order and the dispatch of business, to facilitate which rules of order are designed.

Without exaggeration, it can be truly said, that, for the exercise of all the kindly courtesies and amenities of life, for moral and correct deportment and for dignified and manly bearing, the members of this Legislative body will, to say the least, compare favorably with any other within the Union. It is a singular fact, so unusual in similar bodies, that during this entire session, albeit this House was composed of elements from all parts of our common country, of dissimilar antecedents, and even speaking different tongues, not a single incident has occurred to interrupt our social harmony, or to mar the genial flow of brotherly regard.

Accept, gentlemen, our best wishes for your prosperity and happiness, and the expression of the hope, that when we each shall have returned to our respective constituencies the sacred trust reposed in us here, we shall receive the meed of deserving patriotism of "Well done, good and faithful servant."

Gentlemen, may each of you "live a thousand years, and your shadows never grow less."

Adopted.

On motion of Mr Witter,

The House adjourned to 10 P. M.

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10 O'CLOCK P. M.

Mr Chaffee offered the following resolution:

Resolved, That the thanks of this House are hereby tendered to James A. Nelson, for the faithful manner in which he has discharged his duty as foreman during the present session.

The following message from the Council was received:

COUNCIL CHAMBER,
November 7, 1861.

Mr Speaker:—

I am instructed by the Council to inform the House that the Council has passed

H B No 193, An act supplementary to An act to incorporate the City of Denver, without amendment.

Also, H J R No 5, relative to the pay of clerks, &c., of the first Legislative Assembly, amended as follows:

The enrolling and engrossing clerk of the Council shall receive the sum of seven dollars per diem for his services as such clerk,

for so much time as he shall have been in the service of the Council.

The assistant clerks that have been employed by the Council, shall receive the sum of six dollars per diem for the term for which they have been employed by the Council.

The secretary and assistant-secretary of the Council shall be allowed, in addition to their regular compensation, the sum of five dollars per day each.

The sergeant-at-arms and foreman of the Council shall be allowed, in addition to their regular compensation, the sum of three dollars per day.

The clerk, *foreman* and sergeant-at-arms, heretofore mentioned, shall present their accounts to the President ot the Council, who shall certify to the correctness of the same, and such account shall be presented to the Territorial Auditor, who shall issue his warrant on the Territorial Treasurer, who shall pay the same out of any moneys not otherwise appropriated.

And your concurrence is respectfully requested.

S. L. BAKER,
Sec'y of Council.

Mr Chaffee moved that the House do not concur in the Council amendment, with an amendment so that the clerks of the Council shall receive the same compensation as is allowed by the House.

The ayes and nays being called for and ordered, there were

Ayes—10. Nays—2.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Chaffee, Whittemore, Witter Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Noteware and Crocker.

Mr Noteware introduced J R No 6, supplemental to J R No 5, which was

Read a first, second and third time.

The question recurring on the final passage of the resolution, and The ayes and nays being called for and ordered, there were

Ayes—10. Nays—3.

Those voting in the affirmative were

Messrs Steele, Wilhite, Rankin, Chaffee, Noteware, Whittemore, Crocker, Barela, Garcia and Chilcott.

Those voting in the negative were

Messrs Scudder, Witter and Mr Speaker.

So the was resolution adopted.

Mr Witter introduced J R No 7, relating to mail facilities across the Range, which was

Read a first, second and third time.

The question recurring on the final passage of the resolution, and The ayes and nays being called for and ordered, there were

Ayes—13. Nays—0.

Those voting in the affirmative were

Messrs Steele, Wilhite, Scudder, Rankin, Chaffee, Noteware, Whittemore, Witter, Crocker, Barela, Garcia, Chilcott and Mr Speaker.

So the resolution was concurred in.

Mr Chaffee offered the following resolution:

Resolved, That Masters Noteware and Townsend are justly entitled to the thanks of this House for the prompt and energetic manner in which they have discharged their duties in the capacity of Pages of this House. Adopted.

The following message from the Council was received and read:

COUNCIL CHAMBER,
Nov. 7, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed H B No 181, An act to incorporate the Cash Creek fluming company.

Also, H B No 172, An act to incorporate the Gold Run tunnel company.

Also, H B No 173, An act to incorporate the Pioneer Tunnel Co. No 1, of Gold Hill, without amendment.

Also, J R No 6, supplemental to J R No 5, without amendment.

And respectfully ask your concurrence therein.

S. L. BAKER, Sec. of Council.

Mr Wilhite introduced J R No 9, relative to the pay of Chaplain, which was

Read a first, second and third time.

The question recurring on the final passage of the resolution, there were

Ayes—6. Nays—3.

Those voting in the affirmative were

Messrs Wilhite, Scudder, Barela, Garcia, Chilcott and Mr Speaker.

Those voting in the negative were

Messrs Chaffee, Whittemore and Crocker.

So the resolution was passed.

The following message from the Council was received and read:

COUNCIL CHAMBER,
Nov. 7, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has concurred in House amendments to Council amendments to H J R No 5, relative to pay of Clerks, &c,, of the first Territorial Legislature.

Also, that the Council has passed H J R relative to exchange of statutes, without amendment.

S. L. BAKER, Sec. of Council.

Mr Whittemore moved that the Journal of the last day's proceedings be referred to the committee on Printing. Carried.

Mr Scudder, from committee on Printing, reported the Journal of the last day's proceeding as correct.

The report was received and adopted.

The following message from the Council was received:

COUNCIL CHAMBER,
Nov. 7, 1861.

Mr Speaker:

I am instructed by the Council to inform the House that the Council has passed H J R No 8, relating to pay of chaplains, without amendment.

S. L. BAKER, Sec. of Council.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
Denver, November 7th, 1861.

To the Speaker of the House of Representatives:

SIR:—I have approved and signed acts entitled:

An act supplementary to an act to incorporate the city of Denver

Joint memorial to the Postmaster-General.

An act concerning clerks of the courts.

An act to incorporate the Grand Lodge of Free and Accepted Masons of Colorado.

An act to incorporate the Cash Creek and Lake Park Ditch Co.

An act to provide for the ncrease and time of meeting of the Legislature.

An act concerning the District and Supreme Courts.

An act to incorporate the Georgia Bar and Arkansas River fluming company.

An act to incorporate the Fort St Vrain bridge company.

An act regulating the fees of officers, jurors and witnesses.

An act to incorporate the Altona town company.

Joint resolution relating to interchange of State Libraries.

Joint resolution fixing the compensation of Legislative officers.

An act to incorporate the Gold Run tunnel company.

Joint resolution, (supplemental.)

An act to incorporate the Iowa ditch company.

Very respectfully,

WILLIAM GILPIN,
Governor of Colorado Territory.

Mr Wilhite moved that a committee of 2 from the House and one from the Council, be appointed to wait on the Governor, and ask if he has any further communication to make. Carried.

The chair announced as such committee on the part of the House, Messrs Chaffee and Wilhite.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, COLORADO TER.
Denver, Nov. 7, 1861.

To the Speaker of the House of Representatives:—

SIR:—I have approved and signed acts entitled
An act to incorporate the Cash Creek fluming company.
An act to incorporate the Pioneer tunnelling company No 1.
Joint Resolution relating to Chaplains.

Very respectfully,
WILLIAM GILPIN,
Governor of Colorado Territory.

Mr Wilhite, from the committee on Enrollment, made the following report:

Mr Speaker:—

Your committee on Enrollment would respectfully submit the following list of bills, which had been reported at various times during the last day.

H B's No's. 163, 155, 153, 161, 82, 133, 148, 106, 122, 159, 150, 164, 132, 47, 190, 185, J M No 7, H B's No's. 156, 171 85, 91, 118, also, J R No's 5 and 8; H B's No's 139, 172, 181, 173; J R No 9 and H B No 60.

E. S. WILHITE, Chairman.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
Denver November 7th.

To the Speaker of the House of Representatives:

SIR: — I have approved and signed acts entitled:
An act concerning wills, executors and administrators.

Very respectfully.
WILLIAM GILPIN.
Governor of Colorado Territory.

Mr Chaffee from the committee appointed to wait upon the Governor, reported as follows:

Mr Speaker:—

Your committee of conference, to wait upon his Excellency, the Governor of Colorado Territory, would respectfully report that the Governor has no special message or communication, to this House, but requests us to express his cordial approval of our official acts as being full, able, complete and eminently patriotic.

E. S. WILHITE,
J. B. CHAFFEE.

Mr Crocker moved that a committee of two be appointed to wait upon the Council and inform them that the House is ready to adjourn. Carried.

The chair announced as such committee
Messrs Crocker and Scudder.

Mr Scudder, from the committee appointed to wait upon the Council, reported that the Council was ready to adjourn.

Mr Crocker moved that the House adjourn *sine die*. Carried.

After a closing prayer by the Chaplain, the Speaker pronounced the House adjourned *sine die*, in pursuance of law and the order of the House.

F. H. PAGE, Chief Clerk.